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THE

PARLIAMENTARY DEBATES,

New Series,

VOL. X.

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THE

PARLIAMENTARY DEBATES:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

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COMMENCING WITH THE ACCESSION OF GEORGE IV.

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TO
THE TWENTY-NINTH DAY OF MARCH, 1824.

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1824.

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TABLE OF CONTENTS

TO

VOLUME X.

NEW SERIES.

I. DEBATES IN THE HOUSE OF LORDS.
II. DEBATES IN THE HOUSE OF COMMONS.
III. KING'S SPEECHES.
IV. PARLIAMENTARY PAPERS.
V. PETITIONS.
VI. LISTS.

I. DEBATES IN THE HOUSE OF LORDS.

1824.		*Page*
Feb. 3.	Address on the King's Speech at the Opening of the Session ..	5
9.	Recognition of the Independence of South America..........	105
	Trade of Ireland	106
13.	Sinecure Offices—King's Remembrancer	151
	Tread Mill	152
19.	Game Laws	224
20.	Game Laws	266
25.	Game Laws	444
Mar. 2.	Appeals—Hearing of	640
	State of Ireland	641
4.	Abolition of Slavery	703
	Recognition of the Independence of South America..........	705
	Bounties on Irish Linen	706
8.	South America	776
9.	Office of Clerk of Parliament	829
	Appellate Jurisdiction	830
11.	Austrian Loan Bill	871
12.	Survey of Ireland	935
15.	The Marquis of Lansdown's Motion for the Recognition of the Independence of South America	970

Page
Mar. 16. Amelioration of the Condition of the Slave Population in the West Indies ... 1046
18. Abolition of Slavery ... 1215
Mutiny Bill—Flogging in the Army ... 1216
24. Monopoly of Tea—East India Company ... 1385
25. Irish Tithes ... 1385
29. Silk Trade ... 1446

II. DEBATES IN THE HOUSE OF COMMONS.

Feb. 3. Address on the King's Speech at the Opening of the Session .. 45
4. Imprisonment under the Vagrant Act ... 86
Address on the King's Speech at the Opening of the Session .. 86
6. Consuls ... 101
Austrian Loan ... 101
Spain—Foreign Policy ... 102
Roman Catholic Burials ... 103
10. Imprisonment under the Vagrant Act ... 106
State of Ireland ... 119
11. Bank of England Notes in Circulation ... 123
Qualification of Jurors Bill ... 124
Cattle Ill-Treatment Bill ... 130
Bear-Baiting ... 131
Legacy Duties ... 134
Conduct of Irish Police Officers—Case of Michael M'Can 137
12. Tread Mill before Trial ... 138
Artizans—Machinery—Combination Laws ... 141
13. Reciprocity of Duties—Shipping Interest ... 154
Distraining on Growing Crops in Ireland ... 155
Recognition of the Independence of South America ... 157
16. Usury Laws Repeal Bill ... 157
Deputy Remembrancer of the Exchequer ... 165
Dry Rot in Ships ... 166
Navy Estimates ... 167
Irish Clergy Residence Bill ... 183
17. Game Laws Amendment Bill ... 187
Lord Nugent's Motion on the Conduct of Ministers with regard to the Neutrality between France and Spain ... 190
18. County Courts Regulation Bill—Recovery of Small Debts 210
Recovery of Penalties before Magistrates ... 212
Bankrupt Laws ... 213
Criminal Judicature of the Isle of Man ... 215
19. Wine Duties ... 226
Bank of England—Balances of Public Money and Charge of Management ... 226
Gaol Laws Amendment Bill—Tread Mill ... 241
Juries Laws Consolidation Bill ... 247
Catholic Disabilities—Persons holding Offices in Ireland ... 252
20. Wool Tax—Petition for Repeal of ... 267

Page
Feb. 20. Coal Duties—Petitions against 270
Army Estimates 271
Navy Estimates 296
23. Coal Duties—Petitions for Repeal of 301
County Courts Bill—Recovery of Small Debts 303
The Chancellor of the Exchequer's Exposition of the Financial Situation of the Country 304
Army Estimates 366
24. Bear-Baiting 368
Tobacco Duties 369
Wool Tax 370
Silk Trade—Duties on Foreign Silk 371
Mr. John Williams's Motion on the Delays and Expenses in the Court of Chancery 372
Austrian Loan Convention 437
25. Spirits Intercourse—Petition of Scotch Distillers 445
Adaptation of the Coinage of the Realm to the Decimal Scale.. 445
Inquiry into the Public Revenue 449
Delays in Chancery 450
Poor-Laws 450
Weights and Measures 450
Commercial Intercourse between Great Britain and Ireland .. 451
Excise 451
26. Olive Guelph, styling herself Princess of Cumberland 452
Linen Trade—Bounty 452
Mr. Abercromby's Motion on the State of the Representation of Edinburgh 455
Bear-Baiting and other Cruel Sports 486
Church Rates in Ireland 496
Austrian Loan Convention 497
Postage Rates—Newspapers in the Colonies—New Post Office 501
27. Conduct of Mr. Chetwynd, a Member—Case of Charles Flint.. 504
Ordnance Estimates 525
Usury Laws Repeal Bill 551
Mar. 1. Breach of Privilege—Mr. Abercromby's Complaint against the Lord Chancellor 571
Public Buildings in Westminster—Palaces, &c. 623
Caledonian Canal 630
New Courts of Justice in Westminster Hall 632
British Museum 635
Penitentiary House at Milbank 636
2. Irish Mining Company 645
Fisheries of Scotland 645
Commitments by Magistrates 646
Exportation of British Wool 650
Excise Licences 651
Mr. Hobhouse's Motion for the Repeal of the Window Tax .. 652
4. Communications with France and Spain relative to the Spanish American Provinces 708

TABLE OF CONTENTS.

Page
Mar. 4. French Pecuniary Indemnity 721
Renewal of Offices on the Demise of the Crown 722
Poyais Emigration 727
County Courts Bill 728
5. Protestant Church in Ireland—Tithe Composition 729
Silk Trade 731
Exportation of Wool—Petition from Norwich against 751
Recognition of the Independence of South America 752
Gaol Act Amendment Bill—Tread Mill 755
Mutiny Bill 766
8. Silk—Petitions against the Importation of Manufactured 780
Sugar Duties 782
Silk Trade 800
9. Education of Catholic Poor in Ireland—Petition of Catholic Bishops 837
Catholic Charities 847
Silk Trade 849
Irish Tithes Composition Bill 851
Salary of the Clerk of the Ordnance 861
Barrack Department 861
Cattle Ill-Treatment Bill 865
10. Silk Trade 869
Survey and Valuation of Ireland 870
11. Lord Althorp's Motion respecting Ribbon Men and Ribbon Lodges 885
Game Laws Amendment Bill 902
Welch Judicature Bill 926
Mutiny Bill—Flogging in the Army 927
12. Remission of Taxation, and Sinking Fund—Petition from Westminster respecting 936
Irish Linen Trade—Bounties 943
Irish Bankers 944
Annual Duties Bill—Foreign Brandies 945
Civil Establishment of Dominica 953
Civil Establishment of Upper Canada 955
Civil Establishment of Sierra Leone 962
Settlements on the Gold Coast 962
Colonial Services 963
Propagation of the Gospel in the Colonies 964
15. Distilleries—Petition of Rectifiers to convert Rum into Gin 1009
Abolition of Slavery 1011
Mr. Maberly's Motion respecting the Mode of Collecting the the Beer and Malt Duties separately 1013
Mutiny Bill—Corporal Punishment in the Army 1031
Irish Protestant Charter Schools 1043
16. Consolidation of the Criminal Law of England 1062
Amelioration of the Condition of the Slave Population in the West Indies 1091
17. Petition of Henry Dundas Perrott, complaining of Ill-Treatment from the Admiralty Board 1198

Page

Mar. 17. Reform of Parliament—Petition of Mr. Worgman suggesting a Plan 1206
Stock Purse of the Foot Guards 1209
18. Irish Linen Trade—Bounties 1216
Impressment of Seamen—Petition of G. W. Butler 1220
Silk Trade — London Petition against the Reduction of the Duty 1221
Lord John Russell's Motion respecting the Evacuation of Spain by the French Army 1232
Prisons—Select Committee on the Laws relating to 1283
Public Buildings in Westminster 1283
19. Silk Trade 1285
Silk Trade Bill 1290
Irish Miscellaneous Estimates 1293
22. Linen Bounties 1309
Wine Duties 1310
Silk Trade 1312
23. Game Laws Amendment Bill 1329
Newfoundland Fisheries Bill 1331
Abolition of Slavery 1331
Alien Bill 1332
Westminster Hall—New Courts 1381
25. Recognition of the Independence of the South American States 1393
Assessed Taxes—Repeal of the 1395
Turnpike Road Bill 1397
Sir John Newport's Motion respecting Education in Ireland .. 1399
Labourers' Wages 1413
Game Laws Amendment Bill 1415
26. Wool—Petition against the Exportation of British 1423
Slave Trade Piracy Bill 1424
Compensation to Officers in Courts of Justice, for losses in consequence of the County Courts Bill 1425
County Courts Bill 1437
Wool Duties 1442
29. Wool Duties 1447
Coal Duties 1448
Burials in Ireland Bill 1453
Milton's Manuscript 1465
British Museum 1466
Education of the Poor in Ireland 1476
ADDENDUM.—Welsh Judicature Bill 1484

III. KING'S SPEECHES.

Feb. 3. KING'S SPEECH on Opening the Session 1

IV. PARLIAMENTARY PAPERS.

Page
Mar. 4. Communications with France and Spain relating to the Spanish American Provinces 708
Mar. 16. Draught of an Order in Council for improving the Condition of the Slaves in Trinidad 1064

V. PETITIONS.

Feb. 10. PETITION of William Lotcho, respecting his Imprisonment under the Vagrant Act........ 116
Mar. 2. - - - - - of the Inhabitants of St. Anne's, Westminster, for the Repeal of the Window Tax 653
9. - - - - - of Catholic Bishops and Clergy, respecting the Education of the Catholic Poor in Ireland 843
12. - - - - - of the Inhabitants of Westminster for the Remission of Taxes 941
17. - - - - - of Mr. Worgman, suggesting a Plan for a Reform of Parliament 1207
23. - - - - - of Mr. William Cobbett against the Game Laws Amendment Bill........ 1329

VI. LISTS.

Feb. 6. LIST of the Minority, in the House of Commons, on Sir J. Newport's Motion for Papers relating to Roman Catholic Burials........ 105
17. - - - of the Minority, in the House of Commons, on Lord Nugent's Motion for Papers relating to the Conduct of Ministers in the War between France and Spain 209
18. - - - of The Minority, in the House of Commons, on Mr. Curwen's Motion for Papers relating to the Criminal Judicature of the Isle of Man 224
19. - - - of the Minority, in the House of Commons, on Mr. Grattan's Motion respecting Catholic Disabilities 266
20. - - - of the Minority, in the House of Commons, on Mr. Hume's Motion against any increase of the Standing Army 296
26. - - - of the Majority, and also of the Minority, in the House of Commons, on Mr. Abercromby's Motion on the State of the Representation of Edinburgh........ 485
27. - - - of the Minority, in the House of Commons, on Mr. Hume's Motion for reducing the Grant for the Civil Establishment of the Ordnance 535
- - - of the Minority, in the House of Commons, on Mr. Hume's Motion for reducing the Grant for the Ordnance Barrack Department 549
Mar. 1. - - - of the Minority, in the House of Commons, on Mr. Abercromby's Complaint against the Lord Chancellor 622

TABLE OF CONTENTS.

Page

Mar. 2. List of the Minority, in the House of Commons, on Mr. Hobhouse's Motion for the Repeal of the Window Tax 702

5. - - - of the Minority, in the House of Commons, on Mr. Hume's Motion respecting Corporal Punishment in the Army .. 776

11. - - - of the Minority, in the House of Commons, on the Welsh Judicature Bill 927

12. - - - of the Minority, in the House of Commons, on Mr. Hume's Motion for reducing the Grant for Colonial Services.... 964

- - - of the Minority, in the House of Commons, on the Grant for the Propagation of the Gospel in the Colonies...... 970

15. - - - of the Minority, in the House of Commons, on Mr. Maberly's Motion respecting the Mode of collecting the Beer and Malt Duties separately 1030

- - - of the Minority, in the House of Commons, on Mr. Hume's Motion for prohibiting Corporal Punishment in the Army 1039

- - - of the Minority, in the House of Commons, on Mr. Hume's Motion for reducing the Grant for the Irish Protestant Charter Schools 1046

19. - - - of the Minority, in the House of Commons, on Mr. Hume's Motion for reducing the Grant for the Expense of publishing Proclamations in the Dublin Gazette and other Newspapers 1306

23. - - - of the Minority, in the House of Commons, on the Alien Bill 1376

PARLIAMENTARY

THE

Parliamentary Debates

During the Fifth Session of the Seventh Parliament of the United Kingdom of Great Britain and Ireland, appointed to meet at Westminster, the Third Day of February 1824, in the Fifth Year of the Reign of His Majesty King GEORGE the Fourth.

HOUSE OF LORDS.

Tuesday, February 3, 1824.

THE KING'S SPEECH ON OPENING THE SESSION.] This day the Session was opened by Commission. The Commissioners were, the archbishop of Canterbury, lord chancellor Eldon, and the earls of Westmorland, Harrowby and Shaftesbury. The usher of the black rod having been ordered to require the attendance of the House of Commons, he withdrew. In a few minutes after, the Speaker, accompanied by several members, having appeared at the bar, the Lord Chancellor opened the Session with the following Speech to both Houses:

"My Lords and Gentlemen,

"We are commanded by his majesty to express to you his majesty's deep regret, that, in consequence of indisposition, he is prevented from meeting you in parliament upon the present occasion.

"It would have been a peculiar satisfaction to his majesty, to be enabled in person, to congratulate you on the prosperous condition of the country.

"Trade and commerce are extending themselves both at home and abroad.

"An increasing activity pervades almost every branch of manufacture.

"The growth of the revenue is such as not only to sustain public credit, and to prove the unimpaired productiveness of our resources, but (what is yet more gratifying to his majesty's feelings) to evince a diffusion of comfort among the great body of his people.

"Agriculture is recovering from the depression under which it laboured; and, by the steady operation of natural causes, is gradually re-assuming the station to which its importance entitles it, among the great interests of the nation.

"At no former period has there prevailed throughout all classes of the community in this island, a more cheerful spirit of order, or a more just sense of the advantages which, under the blessing of Providence, they enjoy.

"In Ireland, which has for some time past been the subject of his majesty's particular solicitude, there are many indications of amendment, and his majesty relies upon your continued endeavours to secure the welfare and happiness of that part of the United Kingdom.

"His majesty has commanded us further to inform you, that he has every reason to believe that the progress of our internal prosperity and improvement will not be disturbed by any interruption of tranquillity abroad.

"His majesty continues to receive from the powers his allies, and generally from all princes and states, assurances of their earnest desire to maintain and cultivate the relations of friendship with his majesty; and nothing is omitted on his majesty's part, as well to preserve general peace as to remove any causes of disagreement, and to draw closer the bonds of amity between other nations and Great Britain.

"The negotiations which have been so long carried on through his majesty's ambassador at Constantinople, for the arrangement of differences between Russia and the Ottoman Porte are, as his majesty flatters himself, drawing near to a favourable termination.

"A Convention has been concluded between his majesty and the emperor of Austria, for the settlement of the pecuniary claims of the country upon the court of Vienna.

"His majesty has directed, that a copy of this Convention shall be laid before you, and he relies on your assistance for the execution of some of its provisions.

"Anxiously as his majesty deprecated the commencement of the war in Spain, he is every day more satisfied that, in the strict neutrality which he determined to observe in that contest (and which you so cordially approved), he best consulted the true interests of his people.

"With respect to the provinces of America which have declared their separation from Spain, his majesty's conduct has been open and consistent, and his opinions have been at all times frankly avowed to Spain and to other powers.

"His majesty has appointed consuls to reside at the principal ports and places of those provinces, for the protection of the trade of his subjects.

"As to any further measures, his majesty has reserved to himself an unfettered discretion, to be exercised as the circumstances of those countries, and the interests of his own people, may appear to his majesty to require.

"Gentlemen of the House of Commons,

"His majesty has directed us to inform you that the Estimates for the year are prepared, and shall be forthwith laid before you.

"The numerous points at which, under present circumstances, his majesty's naval force is necessarily distributed, and the occasion which has arisen for strengthening his garrisons in the West Indies, have rendered unavoidable some augmentation of his establishments, by sea and land.

"His majesty has, however, the gratification of believing, that, notwithstanding the increase of expense incident to these augmentations, it will still be in your power, after providing for the services of the year, to make arrangements, in some parts of our system of taxation, which may afford relief to certain important branches of the national industry.

"My Lords and Gentlemen,

"His majesty has commanded us to acquaint you, that he has not been inattentive to the desire expressed by the House of Commons in the last session of Parliament, that means should be devised for ameliorating the condition of the negro slaves in the West Indies.

"His majesty has directed the necessary information relating to this subject to be laid before you.

"His majesty is confident that you will afford your best attention and assistance to any proposition which may be submitted to you, for promoting the moral improvement of the negroes, by an extended plan of religious instruction, and by such other measures as may gradually conduce to the same end.

"But his majesty earnestly recommends to you to treat this whole subject with the calmness and discretion which it demands.

"It is a subject perplexed with difficulties, which no sudden effort can disentangle.

"To excite exaggerated expectations in those who are the objects of your benevolence, would be as fatal to their welfare as to that of their employers.

"And his majesty assures himself you will bear in mind, that, where the correction of a long-standing and complicated system, in which the fortunes and the safety of large classes of his majesty's subjects are involved, that course of proceeding is alone likely to attain practical good, and to avoid aggravation of evil, in which due regard shall be paid to considerations of justice, and in which caution shall temper zeal."

The Commons then withdrew. After which, the Speech being again read by the Lord Chancellor, and also by the clerk at the table,

Earl *Somers* rose to move an Address of thanks to his majesty, in answer to the Speech from the throne. The noble earl expressed his conviction, that every member of the House would share with him in the satisfaction he felt at the state of public prosperity which prevailed on their present meeting, as described in his majesty's Speech. The recollection of this state of things, compared with that from which the country had recently recovered, must be most gratifying to their lordships' minds. This pleasing subject of congratulation was, however, accompanied by one circumstance which all their lordships would concur with him in deeply regretting: he meant the lamented indisposition of his majesty, which had prevented him from opening the session in person. The expression of their lordships' regret would on this occasion be felt to be the more particularly called for, when they considered the earnest terms in which the Speech described the peculiar satisfaction his majesty would have experienced, had he been enabled to congratulate their lordships in person on the prosperous condition of the country. He was certain, that on this topic their lordships would not neglect to avail themselves of the opportunity which the address afforded, of expressing to his majesty their sentiments of attachment and gratitude.—He hoped he should be excused if he now recalled to their lordships' recollection what had been the situation of, and the difficulty and peril in which the country had been placed, and if he also reminded them of the short period which had been required, since the conclusion of the peace, to enable it to recover from its embarrassments. The country had been involved in a tremendous conflict with a people in a state of revolution, with a new republic naturally of great power, but which had acquired an immense additional force from the proclamation of the liberty on which it was supposed to be founded, though that pretended liberty was soon found to be the worst of tyrannies. Under all the circumstances of the principles adopted by France, and the obstinacy with which those principles were maintained, the struggle had been most awful, and it was necessary to call forth all the resources of this country to oppose it. After a few years the whole power of this hostile state was concentrated in the hands of one man, who set no bounds to his ambition, and soon showed himself to be the greatest enemy of the liberties and rights of mankind that the world had ever produced. The part of the war which came under the conduct of this man continued for a long period, and was carried on with such inveterate fury on the part of the enemy, that our very existence as a nation was put to stake. This man, however, who, like the Cæsars of Rome, grasped at the whole world, and had got nearly all its power into his hands, was, by the spirit and perseverance of this country, hurled from his throne, and thus our peace and security had been at length firmly established. In this arduous struggle, he was proud to say, England never succumbed. We had, it was true, once made peace, but it was concluded on honourable principles, and watched over with a determination never to yield to any of the encroachments of the enemy. At last, when, by the efforts of this nation, Napoleon Buonaparte was overthrown, peace, as he had already said, was secured; but the efforts which the country had made being almost beyond her powers, left her in a state of exhaustion. Accordingly, instead of obtaining those comforts which peace was usually expected to bring with it, the sudden revulsion had produced great distress amongst the agricultural and manufacturing interests; in short, the whole country might be said to have groaned under peace. The effect of this state of things was a very great degree of dissatisfaction and discontent, the evils of which had been wisely guarded against.

Now, however, a very different picture presented itself. Our manufactures were reviving, our commerce was flourishing, and our credit had risen to a state of unprecedented and unparalleled greatness. Agriculture, which, of all the great national interests, had sustained the severest shock on the return of peace, he was happy to say was now rapidly recovering. He was glad to bear witness to the correctness of what was stated in the Speech from the throne on this subject—that agriculture was recovering from the depression under which it had laboured. It had, indeed, been gradually improving for some time past; but, within a very recent period, its improvement had been singularly great. On this point, his majesty's Speech certainly held out a most encouraging prospect for the landed interest, by assuring them that "agriculture was re-assuming the station to which its importance entitles it among the great interests of the nation." It had been predicted, that the land would change masters; but, notwithstanding all that had been said on this subject, he thought it a very great mistake to suppose, that if the landed property of the country were to change hands, things would go on equally well [Hear, hear]. This was a proposition to which he never could assent. He was perfectly aware, that, in a great commercial country, changes of property would frequently occur. He was among those who rejoiced that the great feudal institutions, by which property was tied up, and which prevented the passing of land from one family to another, had been done away with; but the removal of these obstacles to the transmission of property, was quite a different thing from a change which would have the effect of making the whole of the land pass from the hands of its present owners. This he thought would be an alteration of a most fatal kind; for it would be quite impossible that the persons now engaged in agricultural labours could feel the same happiness in a connexion with strangers, as they now did under landlords to whom they had been attached from their infancy. All the accustomed sympathy between the parties would thus be annihilated. Such a change, too, would be an ill return for all that the agricultural interest had already suffered for the benefit and salvation of the state.—He had already alluded to the exertions which had been made during the war; and, in looking back to those exertions, it would be found, that no interest had done more towards securing the safety of the country than the landed interest had done. The noblemen and country gentlemen had always been ready to act in any military or civil capacity in which they could serve the state. In their capacity of magistrates, they executed a great portion of the judicial business of the country; and they had zealously formed themselves into military corps to resist the threatened invasion. To them, then, the statement in his majesty's Speech must afford great consolation.

Having said thus much, it was scarcely necessary for him to suggest to their lordships, that, since their situation was now changed from the melancholy state which they had so recently experienced, they were particularly called upon to acknowledge that his majesty's government, under which this improvement had taken place, must have been wisely and steadily and ably conducted. The next topic of his majesty's Speech to which he should allude was one which could not fail to be as satisfactory to all their lordships as it was to himself. It was stated, that "at no former period had there prevailed throughout all classes of the community in this island, a more cheerful spirit of order." Certainly to that spirit of order, and to the just sense entertained by the great body of the people of the advantages they enjoy, this country was much indebted. That spirit was one great cause of the happy result of the contest in which the country had been engaged. He was sorry that circumstances had existed in the sister country, which rendered the statement in the Speech from the throne less applicable to it; but he was happy to learn, that Ireland, within the last few months, was greatly amended, both in its condition and in its temper. He had himself once been for some time in that country with his regiment, and might, therefore, pretend to have some knowledge of Ireland. He, therefore, would have dwelt more upon that important subject, were he not confident that the noble lord who, he understood, intended to second his motion for an address, would not fail to call their lordships' attention to it, and would discuss it much better than he could be expected to do. He must observe, however, that he was happy to hear that the measure which had been adopted last session, relative to tithes, had, upon the whole, done much good.

Their lordships would, with him, be happy to hear from his majesty's Speech, that there was little apprehension of the prosperity of the country being disturbed by any interruption of tranquillity on the continent of Europe. With respect to the differences between Russia and the Porte, it appeared that they were likely soon to terminate favourably, in consequence of the active exertions of our ambassador at Constantinople. Their lordships were also informed, that a convention had been concluded between his majesty and the emperor of Austria, for the settlement of the pecuniary claims of this country on the court of Vienna; and that a copy of this treaty would be laid before parliament. Thus it appeared that the attention of his majesty's government applied itself in all directions for the advantage of the country—a circumstance which could not fail to be very gratifying to their lordships. The next topic which occurred in the Speech from the throne was that of Spain. With regard to Spain, the fact was, that this country had with great propriety avoided entering into a contest in which, had she engaged, she would have had to be the principal. Considering the great weakness of Spain, if England had opposed the French invasion, she must have sustained all the burthen of the war. His majesty's ministers, therefore, had acted most wisely in the caution they had exercised. They did not feel that the internal affairs of this country were in such a state as to warrant their involving it in a war. But, independently of the difficult situation of the country, what would have been the object of such a war? Why should England have attempted to maintain a constitution, of which the great bulk of the Spanish people disapproved? Was it not a constitution with a nominal king at its head—a frame of government which could not stand? He was not contending that a good republic could not exist, but such a constitution as that of Spain with a king at its head, was one not likely to last. He was convinced their lordships would agree with him in thinking, that his majesty's government had done right in refusing to sacrifice the interests of this country to a mere phantom. Spain was at present in a very unhappy state. The government had run from one extreme to the other; but their lordships could not accuse themselves of causing its misfortunes. It would have been contrary to every principle of prudence to have plunged this country into a war for the protection of Spain. He was, however, no ultra, nor did he defend ultraism. And here he could not help remarking, that one great cause of the evils which afflicted Spain was the court system, by which the nobility were discouraged from living on their estates: and when he said this he need not remind their lordships of the great advantages which were to be derived from the intimate connexion which subsisted between the higher and the lower orders in this country; the maintenance of which he hoped would never be neglected.

With respect to what was stated in the Speech on the subject of the provinces of South America, he trusted that the conduct which his majesty's government had pursued on that delicate and important question would meet with their lordships' full and unanimous approbation. For the provinces separated from Spain, every thing had been done which ought to be done consistent with the commercial interests of this country: but further his majesty's ministers had not as yet thought it advisable to go; and most certainly they were right in refraining from positively pledging themselves to any future measure. They had appointed consuls to the provinces which had declared their separation from Spain; and further than that it would have been wrong, under the present circumstances, to have gone.—Their lordships were informed by the Speech, that some augmentation of the land and sea forces was intended; but that, notwithstanding the increased expense which would thereby be incurred, it would still be in the power of parliament to make some reduction of the public burthens. One of the circumstances which called for the intended increase was the necessity of strengthening the garrisons in the West Indies. The mention of that quarter of the world, naturally led him to the last topic in the Speech, namely, the conduct which had been observed by the government, on the state of negro slaves in the colonies. This subject was one which required to be handled with great delicacy; but with respect to it their lordships were not placed in the same situation as the other House, since they had adopted no proceeding respecting it. The Speech held out an intention of ameliorating the condition of the slaves. The situation of these unfortunate creatures was one which their lordships must lament; but, while every thing ought to be done for the improvement of the negroes, the greatest care ought to be taken not to infringe on the just rights of the planters; who, as well as their lordships, were British subjects, and had been encouraged by acts of parliament to acquire this species of property.—He was now about to conclude; but he must beg leave to recur to a topic to which he had already alluded. If the country had so rapidly recovered from the state of distress into which it had fallen, their lordships might conclude that the government had conducted itself wisely. Ministers had acted under the influence of the constitution; and the advantages which their lordships had, in this instance, derived from it, afforded them a new motive for resolving to maintain it in all its purity. They knew that it was the principle of their legislature to improve in every case in which improvement was requisite. It was by following that practical course, and avoiding vain theories, that so much benefit had been conferred on the country. He therefore trusted that their lordships would always remember the lesson taught by the excellent old fable, and never, like the dog, lose the substance by grasping at the shadow.—His lordship concluded by moving an address, which was, as usual, an echo of the Speech from the Throne.

Viscount *Lorton* said:—My lords, it is with extreme diffidence, but at the same time with very sincere satisfaction, that I rise to second the Address so ably moved by the noble earl. The several topics in his majesty's most gracious speech, are truly of an exhilarating nature, and such as to demand our warmest gratitude. The flourishing state of our finances, and the activity so apparent in the various branches of our extensive manufactures, and all our commercial pursuits, together with the improvement in our agricultural concerns, are subjects of high consideration, and sufficient to authorize the most sanguine hopes and expectations, that all the difficulties which naturally followed the late most arduous and successful war, have been happily brought to a termination, and that the time has at length arrived for congratulating your lordships and the country upon that glorious era which has been so impatiently looked for.—Thus, my lords, we see in our domestic affairs, all that is prosperous; and if we take a view of our foreign relations, we have as much reason to be satisfied. But, my lords, these subjects have been so well animadverted upon by the noble earl, that it becomes unnecessary for me to occupy your lordships' time with what must be a repetition.

However, there is one topic in his majesty's most gracious speech, which it may be permitted me to say a few words upon, as being more immediately connected with that portion of the empire to which it alludes. Ireland, my lords, I imagine, has always been considered difficult to govern; and I am aware that in speaking on the subject, some caution is requisite; but, I trust, that in undertaking to make a very few observations, no feeling of party spirit will operate upon my mind; and I would take this opportunity of exhorting noble lords, when the affairs of Ireland are under discussion, to preserve their understandings unshackled from all prejudice. It is quite obvious, my lords, that there are existing causes for the melancholy state of Ireland, and that many of them are far beyond the control of any ministers that ever yet guided the political helm of this great nation. The first grand evil is, perhaps, to be found in the moral state of the people; a people, I may here observe, without speaking too much in the superlative, who are capable, from their natural endowments, of being made a strength and an ornament to any country: but, my lords, this fine population does not possess the advantages which the more happily circumstanced peasantry on this side of the channel have for centuries enjoyed; and therefore great allowance should be made for my unfortunate countrymen, who have many difficulties to encounter. It has often struck me, how much aware they are of their own deficiencies and wants, and how much alive they are to the advantages that must arise from a liberal system of education and a free circulation of the Scriptures; but, my lords, this last blessing, I lament to say, is prohibited nearly throughout Ireland; and consequently the grossest bigotry and most abominable superstitions prevail in every part, paralyzing both the body and mind, and leaving the wretched creatures a prey to the machinations of every designing man, hostile to British connexion and the established religion of the realm.

However, upon these points, it is not necessary to say any more at present. Though it may be allowable here to remark that the noble marquis at the head of the Irish government, has more obstacles to surmount than perhaps he ever could have foreseen, but from which he has never flinched; on the contrary, he has devoted his splendid talents and his utmost exertions to overcome them, and I trust in the end may succeed. Your lordships cannot be aware, I apprehend, of the power which is brought forward to thwart the constitutional efforts of the government, and to pervert the understandings of the people. In fact, my lords, there is to be found in Ireland, what may be fairly denominated an *imperium in imperio*, which must be got under, before we can expect to see that portion of the empire what it might become from its natural advantages, and the fine qualities of its inhabitants. My lords, the population of Ireland is immense, and generally speaking, without employment; which tremendous evil, for tremendous it is in its effects, is mainly to be attributed to a want of resident landlords. The property annually drawn from Ireland amounts, upon a calculation, to about two millions, and the absentees who occasion this enormous drain may be considered under two heads. The one (if I may be allowed to use the expression) legitimate, and the other illegitimate: the first possessing large hereditary properties in England, together with their Irish estates, have a fair apology for non-residence, but they should consider that they have a duty to perform, and should therefore make occasional visits to Ireland, and lay out a portion of their Irish revenues in giving employment to their poor tenants, by a variety of works, and by the encouragement of manufactures, which in the end would materially benefit themselves by the improvement of their estates; but, above all, my lords, they should be most particular in the selection of those persons whom they appoint to the responsible situation of agents, who have so much within their power, and to whom their employers must look for information upon all points. By some few these matters are attended to, and in that very small number I feel happy in recognizing some noble lords, who require no advice from me; but I could wish it were in their power to prevail upon any of their friends who are in similar circumstances with themselves, to act as they do. We now come to the second description of absentees, who from not possessing hereditary properties in England have, in general, no fair apology for deserting their country, and should therefore be exhorted to return and lay out a part at least of their incomes among those from whom they derive them; thus making themselves useful and of more consequence than ever they can expect to be while resident in a distant part of the empire, or perhaps altogether out of it. By the way I could here state, and I do so with very great pleasure, that a short time previously to my leaving Ireland, I heard of the return of some, who had not been resident on their estates for many years, I trust their example may have a beneficial effect.

Having said thus much respecting our absentees, I would here observe, that of late much has been done for Ireland, much is doing, but much, very much, remains to be done; and I am free to confess, that I feel the utmost confidence in the good wishes of his majesty's ministers, and in their anxiety for the improvement and amelioration of Ireland; but here I must decidedly repeat, that much is beyond their control, and must depend upon our being true to ourselves, and attentive to the wants of our tenantry. My lords, it is a most pleasing and encouraging circumstance to observe the very general spirit of inquiry which now prevails throughout England, as to the state of Ireland, and the best mode for effecting a radical change in the habits of the people. This appears to have been particularly excited by the visitation which it pleased the Almighty to inflict upon the land in the year 1822, and which, though at the time a most severe scourge, must be considered as a blessing, in as much as it has called forth the philanthropic feelings of England, in a manner never to be forgotten, and has done more to eradicate old and inveterate prejudices than any act of the legislature ever could do. Indeed, my lords, were it not for the inflammatory speeches of certain orators, scarcely a shade of them would remain. However, one lasting benefit has arisen from this spirit of inquiry, in the formation of several most useful institutions, and among the number, I shall beg leave to mention one, as being likely to have much influence; it is designated, the British and Irish Ladies Society for improving the condition of the female peasantry in Ireland, and is under the patronage of two of our illustrious princesses, and a most amiable and noble lady, whose example I trust will stimulate the exertions of those ladies, who have influence on both sides of the channel. The principal object of this society, my lords, is to give employment to the female peasantry in the spinning and manufacturing of flax, and in attention to personal and domestic cleanliness and economy: the first will much benefit our great staple manufacture, and both together must rapidly improve the condition of the poor creatures, for whose relief this society has been established, and who have heretofore been nearly, if not altogether, neglected and more degraded in their domestic habits, than can be imagined in this happy land.—But, my lords, as civilization advances, this must cease, and the women will have their proper station in society.

Having thus, my lords, taken a very cursory view of the state of some matters in Ireland, I would again entreat noble lords to meet all questions upon Irish business with candour, and studiously to avoid in their speeches any expressions that may tend to induce the people to imagine, that their wretchedness proceeds from the government under which they live; which, in truth, is not the case, but must be looked for nearer home, and will continue until we find it our own interest, independently of higher principles, to cherish our peasantry, to place them on a level with their British fellow-subjects, and thus to rescue them from the power of those demagogues, who would urge them into acts that must eventually bring destruction and perdition on themselves and their families. My lords; it now becomes my duty to apologise for having encroached upon your lordships' time by the introduction of matter that may not appear altogether relevant; but I trust some allowance will be made for the feelings of an Irishman, who has taken the opportunity to speak upon a subject that he knows is constantly misrepresented, and too frequently brought forward in the spirit of party.

The Marquis of *Lansdown* began by expressing his entire concurrence in the congratulations contained in the address from the throne on the prosperous state of the country. It was, he observed, a great satisfaction to him to find that an improvement had taken place in our trade and commerce; but it was a still greater one to perceive that that improvement had been the result of the very excellent regulations which had recently been adopted with respect to both. He looked with the greater pleasure upon these results, which had been dictated by the voice of reason, because he was one of those who never desponded of the power of the country to rescue herself from her difficulties, if her resources were properly directed, and her commerce relieved from many of the absurd restraints under which it had long laboured. He now, therefore, saw with unmixed satisfaction, the adoption of a more liberal commercial policy, producing its natural consequences—the improvement of our trade, and of course the increase in our financial resources. In this view of our situation, he agreed with the noble mover in the two-fold cause of congratulation; the first, that the increase in our resources proceeded from a remission of taxation; and the second, that it arose from a material improvement in our trade. On both these points he had frequently had occasion to deliver his opinion before their lordships, and he now rejoiced that the frequent discussion of such topics had produced that renovation in circumstances which must always be proportionate to the increased freedom of trade. Long had the shackles under which a great portion of our trade laboured been opposed in that House; and now that many of them had been removed, and that the others were likely to follow, it was but justice to the individuals who contended for their inutility to state, that many of those who had been foremost in supporting their continuance were not less conspicuous for their zeal in endeavouring to procure a removal of the whole. Some of those ill-founded regulations had long existed in many branches of trade between this country and Ireland, and being upheld by the prejudices of those who did not sufficiently understand their own interest, were countenanced by his majesty's ministers. They had long been adopted by the noble lord opposite (Bexley), while chancellor of the exchequer; but, when last year they had been partially removed by his successor in office, petitions came from many of those persons whose previous prejudices had contributed to maintain them, praying for their removal altogether. So sensible were the parties made of the disadvantages attending the former system—so much did they become alive to the benefits, resulting from the operation of the new regulations—that they were now ready with petitions to the legislature, praying for the total abolition of those which remained. Upon this important subject he agreed with the noble mover of the address, that there was ample ground for congratulation; and he trusted that at an early period of the session, they might become again the subject of their lordships' deliberations. As to the other point which had been touched upon—the remission of oppressive taxation—there could be but one opinion. As far as the experiment had hitherto been tried, the result was in all cases the same—an increased consumption. Every attempt of the kind went farther to remove the error into which some statesmen had fallen—that taxation afforded a support to government by the increase of consumption caused by it in different branches of our commerce. In the allusions which had been made to these gratifying topics he fully concurred, because he thought the matters connected with them not uninstructive in themselves; and because a strict attention to the principles from which they arose would be productive of the most important benefits to the country. He agreed that there was a material improvement in the condition of the agricultural interest; and (excluding that portion of it which arose from a partial failure of the crops in some districts) he thought it a fair subject of congratulation, as it showed an increased consumption and demand.

He had thus briefly adverted to the more gratifying topics of the Speech from the throne, which related to the state of commerce at home; and he felt he could not pass over those which related to our situation as connected with foreign powers, and particularly with the powers on the continent of Europe. He was rather surprised and disappointed at the silence of the Speech on many interesting topics connected with our foreign relations, and at the slight allusions to others not less important. He thought it did not become the king's ministers, when they deprecated the origin of the late war in Spain, to conceal their regret—if regret they felt—at the manner in which that war had terminated. He regretted, and he was sure the majority of the country concurred in the regret, that his majesty's ministers should appear so inattentive to the right of free nations to govern themselves by such laws as they thought proper, as they had shown themselves on this occasion. He regretted to see them treat so lightly a practice (for it now unfortunately had become a practice in Europe) so subversive of the peace of nations, as that of one state interfering, by an armed force, to alter the constitution of another. When he saw last summer a nation sending forth a numerous army to destroy, by force, a constitution established in another, with which it was till then at peace—when he found that such interference had ended in establishing a complete despotism over the whole country—and when he found ministers deprecating the origin of that war, he confessed he did not expect that they could have passed over the result in such courtly silence as they had observed on the present occasion. He did expect that they would at the least have stated, whether the military occupation of Spain by France gave satisfaction or not. It would not, he thought, have been unbecoming in the advisers of the Crown to have put words into the mouth of the Sovereign of a free people, expressive of regret at the violent subversion of the hitherto sacred principle, the right of nations to govern themselves by a constitution of their own choice—of regret, that the country of an ally should have been plunged into the horrors which now reigned throughout Spain. The noble lord who moved the address had expressed himself unfavourable to Ultraism of any kind; but he would ask whether Spain, at the present moment, was not the seat of the most disgraceful Ultraism? Was she not in the hands of a great military nation whose power it was not our interest to see thus increased? Were these matters of such trivial import as not to be deemed worthy of notice in the Speech from the throne? He would repeat to their lordships, that, in the present state of Europe, when the opposition to the great principle before mentioned was brought to its climax, it did not become his majesty's ministers to be silent. Let them not think that, when the law of Europe and of other nations, had once been departed from—when that fundamental principle upon which national freedom rested, had been violated with impunity, matters would rest there; for it was the character of such aggressions to produce repeated violations, if any one of them were suffered to be successful. Let ministers not think that the balance of power, as they call it, being once broken, the state of things would be such as not to call for their most vigilant attention.

Let their lordships look back for a short period, and see what had been the state of Europe, and what changes had taken place within a few years—what had happened since the termination of that war which had ended by the overthrow of the power of Buonaparte? Immediately after that event, there came forth a declaration from several of the great powers, that the peace and independence of nations were in future to be placed on the most solid footing, by which the natural rights of each would be respected and preserved. But, how had that declaration been observed? Why, since then, he would ask, had not almost the whole of Europe come under the domination of three or four great military powers?—powers acting under a pretence of moderation and justice, but, in reality, exercising a complete tyranny over states which they still affected to call free and independent? [Hear, hear]. It was absurd to use the terms, when it was known that those states had not the power to refuse the absolute dictation of those despots, or the means to protect themselves from the consequences of such refusal. Where was the small state on the continent of Europe which had not since the period he had mentioned, come under the domination of some one or other of those great despotic powers, by whom they might be called upon to alter, to change, or to modify their form of government according to their capricious dictation? The system had now been carried to such a height, that the most unqualified interference was entered upon without even an explanation being given beyond this—that such was the will and pleasure of the despot interfering. It was seen that neither the monarchical character of the government of Wurtumberg, nor the monarchical character of that of Bavaria, nor the independent form of the ancient republic of Switzerland, could preserve them from an interference in their internal government, which, if offered to this country, would be resented as a wanton insult. And why an insult to us, more than to those other countries? What difference was there between the application of this principle of interference to one or to the other? The only difference was this—that we possessed the power of resistance to such interference. Were we, then, to admit the despotic principle sought to be established by such interference? Were we to be told that there was to be no law between the states of Europe but that of force—that one nation might be destroyed, or its independence outraged, at the will of another; and that there was to be no rule by which the weaker state was to be supported against the aggressions of the powerful? Let it not be imagined that such despotic principles ought not to affect us unless they were applied to ourselves. We were deeply interested in preserving the peace of Europe; but it was utterly impossible that that peace, or that the independence of nations, should be rested on solid grounds, while such principles were allowed to be acted upon with impunity. When he saw, that, upon the changes which had taken place in the political state of Europe, in consequence of the assertion of this monstrous principle, ministers were silent, he could not but express his regret at their apathy, and his fears for the consequences.

He also observed with regret, that the affairs of South America, teeming as those affairs did with importance to the commercial interest of this country, were touched upon so very slightly in the Speech from the throne. The civil, political, and commercial improvements which were becoming daily manifest in that part of the world, were, he knew, an object of fear and of jealousy to some of the despots of Europe; as if no improvement were to be allowed to creep forth, or not to be considered as such, unless at the will of one of the corporation of kings, who arrogated to themselves the power of dictating what they thought proper for the rest of mankind. It was, however, a satisfaction to find, that there was a part of the globe where very different feelings and principles prevailed, and were likely to prevail still more extensively—where the principles of free government and free trade were beginning to be understood and practised. He was glad to find that his majesty's ministers had made a recommendation which would tend to improve those principles. He was not prepared to say whether, at the present moment, they ought to have gone further, but he hoped they would be disposed to do so at the proper time. When it was known that a disposition existed in Europe to check the rising powers of South America, he thought that we ought to have taken the step which we had now taken at an earlier period; but still he trusted that we should be found ready to avail ourselves of every opportunity of increasing the advantages which that step was calculated to give us. But if we had been tardy, it was a satisfaction to find that America had, on this occasion, taken that decisive step which so well became its character and its interest. As that important decision was of the utmost consequence to every portion of the world where freedom was valued, he could not grudge to the United States the glory of having thus early thrown her shield over those struggles for freedom, which were so important, not merely to America herself, but to the whole world. This great question should be viewed by us, not merely with reference to its advantages to South America, but to the British empire; and particularly as there might exist a disposition to exclude, as much as possible, our manufactures from the European markets. Let their lordships look to what had happened in the United States. There a population of three millions had, in the course of forty years, been increased to ten millions. In the united provinces of Spanish America, there was at present a population of sixteen millions, exclusive of about four millions in the Brazils; and, assuming the same ratio of improvement in the course of forty years to come, we might have an intercourse with a population of from fifty to sixty millions, and that, too, a population of a consuming character; for from recent calculations it was estimated, that each person consumed to the value of 2*l.* 10s. of British manufactures annually. He trusted, therefore, that government, viewing the magnitude of the relations which might, by timely cultivation, be brought to exist between this country and the Spanish provinces, would neglect no opportunity of improving the advantages which were now thrown open to them. When it was now ascertained that the South American provinces were in that state which precluded all hope of the mother country ever regaining any power or influence over them, he trusted that ministers would neglect no occasion of improving every circumstance calculated to give so vast an extension to our commerce; and thus, by serving the best interest of their own country, they would let in that of those upon whose freedom and prosperity so much depended.

There were other topics in the speech from the throne, which could not be fully gone into on the first day of the session, but which he could not pass over altogether. One, which had been alluded to by the noble mover, was the question of our West India colonies; and a most important one it was. Upon this topic he fully concurred in what had been said, that a great deal should be done, for a great deal was required to be done, but that as little should be said on it as possible. This was a question upon which it was better to act than to speak. He hoped that every thing which could be done to relieve the negro population would be effected. With regard to the state of Ireland, he would freely admit that much had been done to remove some of the evils which oppressed that country; but he could wish that government would hold out a hope, that some further and more effectual methods would be tried to remove the evils of that country, the roots of which, he thought, lay deeper than was believed by many. There were two instances in which attempts at improvement had been made; one was in the forming a new police, and the other in the collection of tithes. Upon the former, great difficulties had always occurred; but he thought they had not been fully met by the late regulations. A good deal yet remained to be done; and he had hopes that the evils arising from the want of an effective police would be fully met at last. As to the tithe system, he agreed that the late measure on that subject had made a great approximation towards an adjustment of the many differences to which the system had given rise. The measure which had been adopted as a partial remedy had been successful in many instances; but still there were some important points on which it required revision. That revision would be made, and he was satisfied that in the able hands in which it would be placed, every attention would be paid which its great importance demanded. He had now touched upon the leading topics of the Speech from the throne. It was not his intention to offer any amendment to the address which had been moved, though he confessed there were some parts of the Speech in which he could have wished that a more liberal, frank, and explicit language had been adopted; and particularly with respect to South America. However, one step had been gained in the appointment of Consuls, and he trusted it was only a prelude to measures which would at once remove all doubt with respect to the light in which we wished those colonies to be viewed.

The Earl of *Liverpool* said, that after the very able manner in which the address had been moved by his noble friend behind him, and seconded by his other noble friend, he did not think he should have been called upon to offer any observations to their lordships upon the present occasion. The noble marquis having, however, thought it right to touch upon, and advert to, the leading points in his majesty's Speech, he should be sorry that the House should come to a vote, and their lordships separate, without his offering a few observations in answer to what had been stated. He was the more anxious to do this lest his silence should for a moment be considered as an admission of the justice of the noble marquis's observations. Taking the first part of the noble marquis's speech, namely, the internal state of the country, he was happy to find, that even the noble marquis himself admitted it to be most prosperous. He believed, that, with a very few exceptions, there could be found in the country but one opinion upon this point. Indeed, he might venture to say, without one word of exaggeration or inflation, that at no former period did the country enjoy a more general state of internal happiness and prosperity than it did at present. This, he believed, would be found to be the universal feeling of all the great interests of the country. And here he joined the noble marquis in expressing his satisfaction at finding that a result so beneficial had been brought about by natural causes. Their lordships well knew—the other House of parliament well knew—the executive government well knew—the applications made day after day, and session after session, for relief from the various distresses under which the country laboured. Every consideration was given to these complaints, but nothing was, because nothing could be, done for their relief. That relief was now afforded by the operation of natural causes; the distresses of the country were effectually, and he trusted permanently, removed; and he rejoiced to say, without any tampering interference of parliament. This, he had repeatedly stated in the course of former discussions, was the remedy, the only remedy, which could be applied to the distresses under which the different branches of our industry at that time laboured. It had been said by the noble mover of the Address, and in the assertion he fully concurred, that it would have been impossible for this country to go through the arduous struggle in which it had been engaged, both for our preservation and the preservation of Europe, except by making efforts by which we must, at one time or other, suffer. Let their lordships look to other countries: in every state in Europe the effects of the war were more or less felt during its continuance; but they were more felt after its close, because, though he did not pretend to compare the prosperity in a time of war to the prosperity in time of peace; though he did not mean to compare an artificial with a natural prosperity; yet it would be found, that the profuse expenditure of war frequently counteracted the effects of taxation. This would appear from the accounts which were laid upon their lordships' table, showing the immense increase in our manufacturing and other branches of industry during the last war. This had been found to be the case in former wars, but in a less degree, inasmuch as former wars were conducted upon a much more limited scale. But when markets, which had been created by the war, were closed by peace—when the immense demand for our produce was, to a certain extent, at an end, it was the natural result that a great proportion of property should remain on hand, and that the parties engaged in its manufacture and sale should suffer. This was the difficulty which the several great interests of this country had to encounter—a difficulty mainly arising out of a transition from a state of war to a state of peace.

But, there was another difficulty, and that too a most serious one, which the country had to encounter; he meant the change from a paper to a metallic currency. It was not now necessary to enter into a discussion upon the policy or impolicy of passing the Bank Restriction act. Whether that measure was a sound or an unsound policy was not now the question, though for himself he might be allowed to say, that upon it he had never concealed his opinion; which was, that without such a measure Great Britain could never have made her way through that arduous, that glorious struggle, out of which she had so triumphantly come. At the same time it was always his invariable opinion, that as soon as possible after the war we ought to return to a metallic currency. It would be remembered, that certain classes in the country had denied the possibility of this return: some predicted from the measure a national bankruptcy, and others declared that, if carried into effect, it must strike at the root of our national prosperity, and render necessary a change of all our social relations, and a new adjustment of all contracts. But, what had been the result? We now enjoyed the benefits and the security of a metallic circulation without any national bankruptcy, without any adjustment of contracts, and without any violation of the rights of the national creditor. We had suffered for a time from those causes, from the exhaustion of the war, and from a change in our currency; but things had now resumed their natural course; and we had recovered our former prosperity, not by temporary expedients, by artificial means, or by violations of our engagements, but by the natural course of events, and a strict adherence to public faith. We had thus learned by experience, that firmness in adhering to a course of action which least interfered with the sources of public prosperity was better than temporary expedients for relief; that honesty, in states as well as in individuals, was the best policy; and that all classes of society were best served by refraining from violations of the rights of some for the benefit of others. He alluded more particularly at present to the subject of the currency, because too much could not be said in praise of the wise and temperate course pursued by parliament in effecting the change, in spite of the clamours of some, and the fears of others; and because, next to the deliverance of Europe, he regarded it as one of the greatest efforts of legislative courage and firmness.

The next topic to which the noble marquis had alluded, was our foreign relations, and particularly the invasion of Spain; and here the noble marquis did not concur, as he had done on the internal state of the nation, with his majesty's ministers. Into the details of the question respecting Spain he (lord Liverpool) would not now enter, because in defence of the policy pursued by this country, in reference to it, he had nothing to add to what he had stated last session, except that every thing he had then said had been confirmed by the course of events. He never had hesitated to declare that, in his opinion, France had no right to invade Spain. He had disapproved of that interference, and deprecated that attack—not on abstract principles of non-intervention, and the right of every nation to frame its own constitution and arrange its own internal affairs, because he was aware that every general principle admitted of exceptions—but because France could make out no specific case which gave her any title to interfere with the internal regulations of Spain. It was always his opinion, that Spain should have been left to herself, and that the factions which were alleged to be agitating her, should have been allowed to settle their differences without foreign intervention. At the same time he felt the danger of the attack, and was desirous that the evil might be averted by some concession—not a concession to France, which had no right to demand one—but a concession of Spain to herself: in short, by a compromise which might have taken away the motive for invasion. The British cabinet had advised this, and could do no more. He might now ask, whether the most zealous advocate of the constitutional party which then held the reins of government, did not regret that it had not followed this advice? This view was resisted by the Spaniards; and what had followed? The French army entered Spain, and the ease with which they obtained possession of the country, showed the wisdom of our having abstained from interfering in the policy of a divided nation. Could their lordships look at the present state of Spain, and recollect the manner in which the French were every where received, and say that the constitution—even allowing it to be a model of perfection—had fixed its roots in the minds of any considerable body of the people, or that it was the object for which any large portion of them was disposed to contend? On the contrary, was it not evident, not only that the great majority, but a majority so great as to leave the minority an object of surprise with us, hailed the French as friends who came to overthrow that constitution? What did this arise from? Was there a country on earth more jealous of foreigners than Spain? Was there a country on earth that had greater reason to resist the French than Spain? Yet, notwithstanding this jealousy of foreigners, and this dislike to Frenchmen, they hailed the French army as deliverers, and thus showed that they hated the constitution more than either. Would it have been wise, then, in this country to have engaged in a war to support a form of government which was detested by the great body of the people, and only supported by a very small proportion of the Spanish people? The noble marquis had alluded to an expression of the noble mover, and had stated, that the Ultraism which he disliked had now been established in Spain. But, by whom had that Ultraism been established? Not by the illustrious prince who commanded the French army; for here he must say, that however much he (lord Liverpool) had at first deprecated the invasion of Spain, he could not withhold his praise from that illustrious prince, whose wise, firm, and moderate conduct had been conspicuous during the whole campaign—who, instead of encouraging Ultraism among the Spaniards, had done every thing to check it; and who gave fair promise, in that mission, of what might be expected of him, when he should ascend the throne of his fathers [Hear, hear]. The Ultraism complained of was the sentiment of the Spaniards, and not of the invaders; and he (lord L.) had no more idea of sending British bayonets to make people free against their will, than to enslave them against their will.

He had arrived now at a topic of great interest—the policy pursued by this country in regard to South America. On this subject the noble marquis testified his regret at what he termed the reserve of the royal speech, and wished for further information. In a general exposition like that of the speech from the throne, he did not know what more could have been said. In explaining the words made use of, he was prepared to speak with the utmost frankness. If their lordships remembered the various discussions that had taken place, and the different proposals that were made upon the first invasion of Spain by Buonaparte, they would not require to be reminded, that two courses were recommended by their respective partizans, as fit for this country then to pursue. The first was, to send troops into Spain, and to assist the Spaniards in expelling the invader; the second was, to leave the ruler of France to do what he chose in Spain, and to direct our efforts to the establishment of South American independence. Those who despaired of success in Spain, made no doubt that we could succeed in detaching from her the colonies which she then possessed, and therefore pressed the prosecution of this measure as our only rational policy. This, however, was not the policy of the government; and for this, among other reasons—that our efforts, however successful, could not thus have terminated in the deliverance of Europe. The sword was therefore drawn in Spain, and by the great exploits of his noble friend (the duke of Wellington) the invader was expelled, and Europe freed from his yoke. When the contest was brought to a close, and the government of Ferdinand restored, the state of the colonies, which during the continuance of the war had thrown off their allegiance, presented great difficulties. We then offered our mediation, not for the purpose of restoring those which had declared themselves independent, and were determined to maintain that independence, but to reconcile those that were still willing to be reconciled to the mother country. That mediation was rejected; but, had it been accepted in time, Spain might have saved half her Trans-Atlantic possessions. She had now seen all her colonies separated from her, and in the new circumstances in which they were placed, we had proceeded openly and frankly. The noble marquis had said, that we had taken the first step in acknowledging their independence by sending consuls; and he had asked, what further steps had been taken? The speech from the throne was explicit on this head. Its object was, to announce to the House, to the country, and to Europe, that we were wholly unfettered by engagements, either to Spain or to our allies, and perfectly free to take that course which our own prudence or policy might dictate. But, while he made this explicit declaration, he was free to confess, that practical difficulties would present themselves in our relations or intercourse with those possessions, until Spain should have renounced all claim to their obedience, and recognized that independence *de jure* which they enjoyed *de facto*. If a recognition of them, therefore, could be obtained from Spain herself, he should think it a great object gained. This was, however, what could not easily be expected; but we were not bound either by the concession or the refusal of Spain. It was an important fact to know, that this government was perfectly free and unfettered in her policy towards South America, whatever course it should in future pursue.

He came now to a topic on which the noble marquis had not touched, and which he hoped would be treated with temperate care by others—he meant the state of our West-India possessions. On this subject he hoped their lordships would do what was right—that they would obey the dictates of duty, both in consulting the improvement and protection of the slave, and the security and rights of the planter, who had acquired property under our laws; but that they would avoid all angry discussion—that they would use no intemperate language—that they would avoid all topics of inflammation, not knowing to what evils intemperate or imprudent language might lead.

On another important point to which the address alluded, he meant the state of Ireland, he would not at present say much, as it was a subject which frequent opportunities would arise of discussing. He could not, however, refrain from expressing the pleasure which he felt in hearing what had been said with regard to the improved condition of that country, by the noble viscount who seconded the address; every opinion from whom on that subject was entitled to the greater weight from the circumstance of his having been so constant a resident there. He would confine himself to the declaration, that the attention of his majesty's government had been, and would continue to be, most anxiously directed to the means of diminishing, if not of wholly eradicating, some of those which might be considered not merely the most crying, but at the same time the most practically tangible evils with which Ireland was afflicted. He said this, because it was well known, that some of the evils, and of the great evils too, under which Ireland laboured, were of such a nature, that they were not tangible by legislative interference, but must be in a great measure left to the operation of time and circumstances. Among those, however, to which the vigilance of government, and the wisdom of parliament, might advantageously be applied, were the state of education, and the state of the police in that country. There was another point of infinite importance—the question of tithes in Ireland. It was one, to the arrangement of which every effort ought to be directed; bearing constantly in mind, that church property was as much entitled to respect as any other property, and that any insecurity in the tenure of church property, would naturally lead to similar insecurity in the tenure of every other description of property. The measure which he had last year had the honour to introduce into that House was founded on a most anxious consideration of the subject, on the part of those whose duty it was so to consider it. On introducing it, he had stated to their lordships, that it might not produce any immediate or extensive effect; that it could not possibly be expected to be a perfect measure; but that he trusted it would be found to proceed on a sound principle. He had contended that, when the principle came to be tried, its excellence would manifest itself. He had now the satisfaction of being enabled to inform their lordships, that the success of the measure, under all the difficulties aad obstacles which it had encountered—some of a natural character, and others artificially created—had far exceeded his most sanguine expectations. By documents which would be submitted to their lordships, it would appear, that, in 966 parishes in which endeavours had been made to carry that measure into effect, in 216 it had been completely successful; and that during the very few months which had elapsed since it had received the royal assent. This was a result which, he owned, he did not anticipate; and it was the more gratifying, as it appeared that the measure had been the most completely executed in those parts of Ireland, in which the evils which it tended to alleviate had been the most oppressively felt. Much having thus been already effected, there was every reason to hope that a great deal more would ultimately be accomplished; and it would be for their lordships, and for the other House of Parliament, to consider what further legislative proceeding might be beneficially adopted, in aid of those already in operation;—whether there was a prospect that the existing measures would work their way, advantageously, through Ireland; or, whether it would be wise and expedient to give them the assistance of others, conformably to the spirit of the constitution, and to the most general and enlightened views of what would be beneficial to the country.

Lord *Holland* claimed the indulgence of their lordships, for the short time he might detain them in discussing a few of the topics of the royal speech, to which he felt it necessary, after what had fallen from the noble lords who had preceded him, to advert. He felt it necessary to express his own conviction, that the general tone, and temper, and spirit of the address were not such, as, in the present state of Europe, ought to be adopted. But, their lordships would allow him to notice, in the first place, one part of that address in which he had the pleasure to say he perfectly concurred; and that was, the portion that related to the present improved state of the country. He was most happy and ready to acknowledge, that the internal condition of the country was much more flourishing than it had been at any former period within his recollection. He was ready to acknowledge also, that this prosperity had been, in some measure, owing to the wisdom and the firmness of parliament; and he was willing even to confess that, as the noble earl had stated, it was mainly attributable to the wisdom and firmness with which the measure for the resumption of cash payments had been carried into complete effect. Indeed, he felt the more anxious to express this opinion, because he had been one of those, who, when that great measure was agitated in parliament, most warmly opposed it. Appalled at the possible consequences that might ensue, he certainly had been far from friendly to the execution of a measure which he did then believe to be fraught with danger; and which he now acknowledged to have been thus instrumental in restoring prosperity to the kingdom. But, while he felt it proper, and but fair, to say thus much, he was by no means equally prepared to coincide with the noble lord who had moved the address, in maintaining, that it was likewise fair to give to his majesty's government some degree of merit for the increasing prosperity of the empire. Fair, indeed! Why, considering under what circumstances it was, that the prosperity of the country had been of late years so shaken; and, looking to the language which the government then held, and remembering the measures that they then adopted, he, for one, thought it anything but fair to give them any such credit. What! with the noble earl's own acknowledgment still in their ears, that the past distresses of the country had been mainly owing to those wars in which they had engaged her, were their lordships to give to his majesty's ministers credit for her present prosperity? What had been the noble earl's uniform answer, when he had been so often charged in that house with the existence of those distresses? The noble earl, as their lordships could not fail to remember, had been constantly pleased to throw the whole blame of the evil upon Providence. That was always his excuse, modified, indeed, and varied a little from time to time. Sometimes the immediate cause of public distress was referred to the passions; and the noble earl discovered, that the people of this country were too amorous—that the females were too prolific—that too large a quantity of people was produced. At others, the whole evil was deduced from the horrors of plenty—from a desperate abundance; and the noble earl, surrounded with all the gifts of Providence to man, exclaimed with the poet—"Inopem me copia fecit." Now, though he (lord H.) really did not think that the noble earl's eloquence, highly as he respected it, had quite rooted out of the bosoms of our young men the passion of love, nor had operated, well as he knew its extraordinary powers, to intercept the rains from Heaven that fertilized the globe, he recollected what the kingdom had suffered; and therefore, now that the country was recovering, and enjoying a prosperity which he trusted in God she would long continue to enjoy, it was in truth a little unfair for the noble earl to call upon the House for such a species of approbation; and to say, "Look at our works; look what government have done now." It was a little unfair in the noble earl, forgetting the preceding distress, to cry out, on these manifestations of returning prosperity—"Look, my lords, at the prodigious services that have been rendered by his majesty's ministers."—It was necessary, however, after these observations, that he (lord H.) should address himself to a part of the Speech from the throne, which seemed to require some remark. It appeared to form one of the communications made in the Speech, or at least something to that effect was said, that a convention had been entered into with Austria, for the repayment of a part of the sums advanced her by this country. A noble friend who sat near him, had just reminded him, that this part was but a small part of the whole amount of such advances. He thanked his noble friend for the suggestion; but he was well pleased to find that we were likely to get back even a small part. There was, besides, an old but very sensible proverb, which told us, "not to look a gift horse in the mouth;" and therefore he was quite willing to accept of the part. Now, this partial repayment, to be sure, was any thing but a gift horse; and, indeed, if he might be permitted to compare this unfortunate loan to a horse at all, he fancied, that if they ventured to look into his mouth, they would discover that the mark had been out of it a long time. And if their lordships would permit him to borrow once more from the same sort of phraseology, perhaps a political jockey would say that "a good deal of work had been taken out of him in the way of interest." [a laugh.] For his own part, he should be well contented, if it should turn out that they got back enough to pay for the expences of lord Stewart's embassy to Vienna. A noble friend of his had said that it was to lord Stewart that this proposed repayment was principally owing;

and though very possibly that noble lord might have had some share in effecting the business, he (lord H.) felt inclined to believe, that as great a part, or a greater part of the merit rested with the noble duke who had first set on foot the negotiation. But in the name of candour, let all parties have a little of the merit allotted to them. Something might be due to his majesty's ministers, in the first place, for negociating about the matter; and that share he freely conceded to the government. Some merit, again, must be due to the emperor of Austria; and that he (lord H.) referred to the emperor personally; for where in a country like Austria, where there existed no constitution, he was compelled to believe that it was the monarch's own act; and done, not only without the advice, but in a spirit entirely contrary to the wishes, of his ministers. But, having thus apportioned out the merit, by giving a little credit to his majesty's government, a little to their ambassador, a little to the noble duke, and a little to the emperor of Austria, he did hope that his own side of the House would come in also for a trifling share. He did hope that this matter would have a good effect in making his majesty's ministers think differently about the opinions and public conduct of noble lords around him. He trusted that the noble president of the council, for instance (the earl of Harrowby), would not now say—as he had formerly so strenuously contended—that at all times, and under all circumstances, and in whatever condition the political relations of the country might be, it behoved noble lords to observe all the prim proprieties of debate. The strong opinions which he (lord Holland), and his noble relation, and so many other noble lords, had lately expressed, might have occasionally violated the prim proprieties of debate; but clear it was, that the language which had been held in Parliament, very objectionable as to some it seemed to be, had led to the refunding of no inconsiderable sum of money.

The next topic upon which he would touch was one of great moment; and one in respect of which he fully concurred with the observation that had been made by his noble friend, that it was wiser to act than to speak. It was a subject upon which, if noble lords came to estimate the comparative degrees of praise or blame that were to be attributed to parties, every candid person must acknowledge that his majesty's ministers, and that House, and, he was sorry to say, the body to which he belonged; the West-India colonists, and the African association, and, if he might dare to say so, the House of Commons itself, were liable to serious blame. He should not have dwelt so much on this subject, had it not occupied so large a portion of the Speech as it did. It afforded him satisfaction, however, to say, that of this portion generally he highly approved. Perhaps, indeed, he might question, in some degree, the policy or the propriety of his majesty's ministers in dwelling so much, in such a speech, upon a subject of this nature. He could very well understand the propriety and even prudence of his majesty coming down to his parliament, or communicating with them, in order that they might advise the executive government how to act, in regard to any extraordinary emergency arising within his extensive empire; but he did not understand upon what principle it was that his majesty, upon this occasion, came to the parliament of Great Britain, asking them to proceed in the measures to be taken with regard to the civilization of the West-India slaves. If this was meant, as most probably it was, to allude to an augmentation of troops in those colonies, he (lord H.) could have wished, considering the present feverish state of men's minds there, that while the government were recommending caution, they had themselves observed it better in the language of their recommendation. If it was meant merely to call upon their lordships and the other House of Parliament to augment the force in the island lately alluded to, and the other British West-India islands, in that call he most readily concurred; and he was the more induced to say this, because as he had been ready on former occasions to oppose, and might hereafter oppose, as in other parts of the empire, the increase of the army, so he was ready to admit, that, in the present state of things, it might be necessary that the military force of the empire should be increased. Nor could he help observing that with respect to that island, with which he himself was more particularly connected, Jamaica, and speaking with reference to its security from internal insurrection and external attack, and to the morals and comforts, and most especially the health of his majesty's soldiers, he could much wish that the attention of his majesty's government, and of the illustrious commander-in-chief, might be turned to the effecting a better distribution of forces in that country. This distribution might be made with great advantage. The measures which he had heard suggested in this respect, were—the destruction of the batteries and forts erected on various parts of the coast; the quartering the European troops among the Blue Mountains, which alone supplied the springs of the country; and the formation of a naval arsenal at a position called Fort Antonio. This information he had derived from a gallant and intelligent friend, of whom he could never speak but in terms of the highest respect and approbation, but who was no longer, he believed, a member of the other House of Parliament,—major-general Walpole. He entertained this feeling for a gallant individual, not merely because it was at all times pleasant to speak handsomely of one's friend, but because such applause was due to his exalted public character, to his very superior talents, his experience, and, above all, to the humanity evinced by him in the care of his men. This gentleman's experience had well qualified him to suggest to the government at home such improvements as might most advantageously be made in the defence and government of the island. His information was derived from the evidence of his own senses, furnished during a long and fatiguing service in Jamaica. Noble lords would perceive that he was speaking of the Maroon war; the result of which was, that the Maroons, by the skilful management, and the equitable proceedings, and the good faith of general Walpole, were reduced and brought into obedience to the government. If ever the British troops in Jamaica should be required to act there upon any similar occasion, as he earnestly hoped they never would be, he could ask nothing better for his country nor for them, than that they might be commanded by some officer of equal humanity, skill, and enterprise with his friend general Walpole. [Hear.]

He would now advert to those parts of the Speech from the throne, which would justify the vote he should give that night; and he confessed that, upon the whole, the tone and temper of that speech had disappointed him. Much more, however, had he been disappointed by the comments that he had heard upon it. He did hold that the state in which this country stood, with relation to the other powers of Europe, was any thing but one which would justify exultation, joy, or self-congratulation. That it was fraught with inevitably disastrous consequences to this country, he was not, possibly, prepared to say; but he was very sure that it was a state at once new and awful. Since their lordships had last met in that House, what had befallen the constitution of Spain? For, torture the thing as they would, it was the Spanish constitution; and as to what had been said about its being democratical, the fact was, it was considerably less so than our own. But whether it was so or not, or whether it incurred the dislike, or met with the approbation of the Spanish people, this fact at least was but too well known; namely, that the government of France was at this moment in military possession of Spain. That it should be so, and that we should not interfere to prevent it, might be expedient, or it might be unadvisable: but, that the noble lord who had moved the address should say that this circumstance was matter of satisfaction and joy to their lordships; this did seem truly wonderful. To him (Lord H.) it seemed, that the present state of Europe was calculated to awaken the liveliest and most painful anxiety in every English mind. Putting aside all considerations attaching to the interests and intrigues of Russia and the other powers, the present state of Europe, to his mind, was fraught with consequences the most terrible to this country. The noble lord who had seconded the address had made some allusion to the early period of the French revolution, and to the respective condition of France and England at that time. But, let noble lords compare the two periods a little, and he thought they would concur with him (lord H.) who contended, that within the last five or seven years this government had frequently departed from that which was the ancient policy of England: aye, and from the very policy that they had adopted at the commencement of the French revolution. That departure, he did maintain, had led to an event which it had been at all times our great object to prevent; and in that event there were many signs that threatened the peace and happiness of these kingdoms, and upon the aspect of which it was highly important that those who were intrusted with the government of the empire should pause and deliberate before they determined what plan they would finally pursue. What had been that ancient policy, a deviation from which had produced so threatening an event? Their lordships well knew that it had ever been to prevent the too great preponderance of any power in Europe, and especially of those countries which border on the ocean. Opposite to us were the coasts of France and Spain; but it must be unnecessary to shew that it was ever held in England, that if the powers and resources of those two countries were wielded by one hand, one power, their united energies must be exerted to the injury and the peril of this empire. Such being the case, it appeared to him of little consequence in what name they were so wielded; or whether they were put in commission, or sustained in one name; whether the wielder of them were called the Grand Monarque, or La Grande Nation, the Mock Christian king, Napoleon Buonaparté, or the Holy Alliance. It was all the same thing, if the power of the two countries was governed by one will. The noble lord had alluded to the commencement of the French Revolution, at a period preceding the celebrated decree of the 19th of November. That decree held out to every nation that might be disposed to throw off its allegiance, a promise of assistance against its government. The war declared by England in consequence, was allowed to be, if not a wise one, a just one; just, if not with Spain and Holland, yet at least with France. But why? Because the French government was a democratical one? No; but because this proceeding of theirs went to establish the right of interference with the government of other states. It mattered not what might be the effect or the form of that interference. If, at this day, the people of France chose to say to us in England, "we will establish over you a tyranny, or a monarchy;" or even if they were to say, "we will prepare for you a beautiful and unimpeachable constitution; and we will do so by force and by our bayonets," that would be a good and justifiable cause of war; for, in the cases he had put, wherein consisted the difference? It was of no moment whether the constitution were democratical or monarchical; the objection lay to that domineering and intolerable principle, that the people of one country have a right to interfere with the government of those of another. At present, moreover, the case was, not that there had been a decree passed on the 19th of November, which was afterwards to be enforced; but that the king of France had enforced it by the evasion of an ancient treaty, the invasion of another kingdom, and his present actual possession of it. Equally clear it was, that it made no difference whether these effects were worked by a league or by an individual; by one man or by more than one. That it was formerly our object to prevent this dangerous union of power, was as little to be doubted, as the fact of such an union now existing was to be denied. That fact was acknowledged in the title set up by the party, and commented on intelligibly enough, by their conduct. It was true, that England might be said to have declined becoming a party to such a league. She herself had once been divided between two different political sects, calling themselves Whigs and Tories; but both of them professing to act for the welfare of their country, and at least concurring in that principal object. The Whigs conceived it necessary to her prosperity that the Crown of Great Britain should form a part of the alliance in which the greater number of the European states were engaged for the preservation of the balance of power. This was the principle on which the great lord Somers engaged in a war in king William the 3rd's time; it was the principle of George the 1st's war; of the great lord Chatham's; and in some sort, it was adopted even by the great lord Chatham's great son. It was again recognized in the time of sir Robert Walpole. The government of those days hoped to hold the balance of Europe even between contending nations; and both parties, Whigs as well as Tories, combined for the attainment of this common object. Since the year 1815, however, this ancient system had been set aside; and it was clear, from the existing state of things, that, under the confederacy which was then formed, it could have no existence. Where all the powerful states of Europe were to be the arbiters, there could be no equitable arbitration: where all the weight of European power was thrown into one scale, there could be no counterpoise. To his majesty's ministers, who first consented to that confederacy, and particularly to the late foreign secretary, he was willing to give full credit for good intentions. When Buonaparté had still arrayed around him all the resources of France, with all her energies at his command, he (lord H.) should have concurred in thinking that some effectual counterpoise was necessary; especially, as looking to those resources and to the temper of the extraordinary man by whom they were wielded, the security of England seemed to demand it. The government of that day thought proper therefore to arm against him Spain, Russia, Prussia, and the other confederated powers. But when, by a course of events which he (lord H.) should ever consider most unfortunate, France became the portion of a nominee of that confederacy, it became hostile to the welfare of Europe. Whether the king of France became a member by accident or design, he knew not. It was only too clear, that he had become a party. Why then, what was the meaning of this portentous alliance of monarchs? That the sovereigns of mankind should league together was nothing new; for it was one of the oldest of leagues. But leagued they were, and against whom? If all the sovereigns were leagued, against whom could it be but their own subjects? With what other purpose could they confederate, but to support each other in governing their own subjects by their own will, in repressing every institution that might hold out to their people freedom of action: and in divesting themselves of all responsibility whatever, under any possible case of misgovernment or incapacity? Let noble lords mark what had been their conduct. The noble foreign secretary of that day assured the parliament that it was a very harmless alliance indeed; that there was nothing in its principle which appeared injurious to the interests of Great Britain; but that, owing to some peculiarities in the constitution, the king of England could not become a party to it. In point of fact, it turned out that this objection, in form as the noble secretary put it, was an objection in law, and to the whole question; for, fortunately, the constitution of England had provided that we could have no such connexions with foreign powers without having some responsible agent. But the meaning of the other parties was soon known, for they explained it by their own circulars. It was, forsooth, an alliance for the conservation of the monarchical principle. And what was this monarchical principle? The right of one man to govern millions. It was legitimacy, not in the true sense of that word, but the establishment of military power in every country where hereditary princes were established, for their support; even after, by their misgovernment they should have forfeited their hereditary right, or the circumstances of the time should have required a change of dynasty.

The noble lord next adverted to the case of Naples, and to the conduct of the late noble foreign secretary, who disapproving partially of some of the proceedings of the holy alliance, seemed kindly to have furnished Austria with some hints as to the measures she should adopt, in order to prevent a rupture with this country. He (lord H.) was very sure that his majesty's ministers would think with him, that, from that time they were no members of the confederacy. They retired from it, in truth, but it was with something like an ill-grace; for they resembled her who, "not accepting, did but half refuse."—The noble lord observed, in respect of the conquest of Naples, that with whatever view it might have been projected and achieved, there was nothing in it that could put the safety of this country in jeopardy; for doubtless, of all the members of that confederacy, that one which was least likely to produce harm to Great Britain was Austria. The same principles on which Austria had acted, had led other arms to the invasion of Spain. Russia, at first covertly, but afterwards more openly, expressed her opinion, that, according to the principles of the alliance, they were bound to interfere with the revolutionists of Spain. "I know not," continued his lordship, "what was the motive which actuated Russia upon this occasion, whether it was fanaticism or zeal, or whether it was in pursuance of that system of aggrandizement and interference, upon which after embroiling a neighbouring country, Poland, she has succeeded in possessing herself of the larger portion of her territory—of one of the finest parts of what she calls the western territory of Europe." Having taken these resolutions, these holy allies issued their anathemas against constitutional Spain, and summoned their troops to the crusade which they proclaimed against the enemies of the monarchical principle. The other princes of Europe, if they did waver, wavered not from any distaste for this crusade, but from a fear of the consequences of their embarking in it. It was not that they distrusted the fidelity of their own armies, but that they doubted the opposition of Great Britain. When, however, they had surmounted these fears, they fell at once to the execution of those projects which were most congenial to the principles of their association. To their banners repaired ultras and priests, zealous for the monarchical principle; furious fanatics, and a licentious soldiery; in short, every description of bold and bad men, who were allured by hopes of plunder, or by the confidence that they might insult the authority of Great Britain with impunity. M. Chateaubriand, who well understood the character of his own countrymen, knew that by holding out any prospect of conquest in a foreign country, he secured the favour and good wishes of almost all France, and even of the greater part of the Napoleonists themselves. He perfectly understood, as applied to Frenchmen, the value of that maxim, "Dominationem super alios, ad servitium suum, mercedem dant." But a noble lord had that night spoken of the freedom at present enjoyed in France. Why, was there any thing like freedom in any part of France at this moment? He might be told of their legislative chambers and their debates; of their President, and their forms. But did he look to these externals? Did he look to the mere *magistratuum nomina?* Did he look to their forum, or to that place in which their folly committed its most disgusting excesses? "Why," added the noble lord, with much emphasis, "is there any place in France, where a man would dare to stand up and say what I have been just saying? I do not think, indeed, that the noble earl opposite, even if he were a despot, could so far overcome the natural goodness of his disposition as to send me to prison for the warmth of my language, but, thank God, my lords, I know that he cannot." [a laugh.] He did contend, that the noble lord insulted the sacred name of freedom, when he named a country in which the language of freemen could not be spoken in the presence of power. Where men could not speak, and speak out, upon their own concerns, there was no freedom—there was no country—there was no law; and on what spot was it upon the continent of Europe, that a man might so speak in public? A noble lord near him, to whom he was much obliged for the suggestion, had just intimated to him, that he ought to except the kingdom of the Netherlands. And this was true; for never was there a country where the government had shewn itself more anxious to preserve the freedom it possessed, than that of the Netherlands—an anxiety which was to be traced to a similarity in the habits and the character of the people, to the character and the habits of our own countrymen.

But he now besought the house to mark what the actual government of France had done. It had placed that nation in a situation by which it was enabled to produce greater danger to Europe, than ever Napoleon in the plenitude of his power, could have effected. It was in the full possession of Spain; it possessed at least a preponderating influence in the councils of Portugal; its army was flushed with recent success, and was led on by a prince who, as the noble earl had truly said, possessed considerable talent, and who had displayed character and conduct sufficient to lead him on to other successes, which might tend, as those in Spain had done, to the glory and aggrandizement of France. It had, besides, a clergy and priesthood of vehement zeal, and devoted to the government. Its legislative body had just power enough to lay the resources of the people at the feet of the ruling power, but not fellow-feeling enough with the people to direct those resources wisely and resolutely. It was, moreover, the head of a confederacy, which united all the powers of the continent of Europe. Such was the condition of France; and was this, he asked, a state of things at all satisfactory to the feelings of those who were interested in the liberties of Europe? And here he felt it necessary to allude to an assertion of the noble earl, who said, that he had deprecated the invasion of Spain by France. It was true he had done so; but, in what way? It was merely by insisting upon the great improbability of the success of that invasion. The whole tenor of the despatches and remonstrances was to this effect. The language of the government was constantly full of the inevitable great loss of men, the uncertainty of the conquest, the nature of the Spanish people. All these points were repeatedly urged to the French Government, and particularly by that noble duke (Wellington), who so well knew their force, and who he was sure would spurn the imputation that he used any arguments contrary to his most steadfast conviction. Why, then, although the noble earl had deprecated this war, what had been the result of this deprecation? This dehortation, or remonstrance, or admonition, on the part of Great Britain, had produced no effect at all. It had been frequently said, in allusion to that long war which began with the French revolution, that one of its best consequences, was, that the dignity of England had been exalted, and that she had been placed in such a situation among the powers of Europe, as enabled her to decide on the fate of nations. Let this assertion be tried in the instance of Spain. What had been done there recently, was done independently of England: it mattered not whether it was good or bad: for if it were good, then the good had been effected without the assistance of England; if evil, it had been wrought in spite of her remonstrances, and against her interests. Was this not so?

This, then, brought him to that part of the address which touched upon the affairs of Spain, in all of which he could see no ground for that self-congratulation which his majesty's government derived from the policy they had adopted. They might have said that former wars had so exhausted our resources that we could no longer keep up our old character, as the champion of the freedom of all Europe: they might have said (though that would have been a strange doctrine indeed), that we had nothing to do with the contest: they might have borrowed words from that eloquent person who "tricks out eloquence in all its drapery," and have described the happiness and advantages which we had derived from standing by in strict and immoveable neutrality: they might have told us, as that same eloquent person had formerly done, that it would be Quixotic to interfere. But, although he (Lord H.) thought that they would do wisely to renounce even all that high-minded and disinterested chivalry; yet still, at the same time that they would fling away all the crazy follies which distinguished the knight of La Mancha, there was one part of his character which they might have assumed with decency and propriety—they might have appeared at least as the Knights of the sorrowful Countenance. If they could not prevent, they ought to regret this war: and to express their bitter disappointment at its result. When he thought of what England had formerly done; and the sacrifices she had made in causes similar to this of Spain; when he remembered that it was to unspotted honesty in her transactions with other countries, that she was indebted for her high station in Europe, he could not but think that it would have been more fitting for the ministers to have come down to the house, and to have said, with respect to this confederacy,—

"O peers of England, shameful is this league!
Fatal this contract, cancelling your fame;
Blotting your names from books of memory;
Razing the characters of your renown,
Reversing monuments of conquered France;
Undoing all, as all had never been!"

Instead of this, however, they found cause of congratulation; and neither keeping up the character of the romantic knight, nor adopting the sentiments of the poet, they sought to make Noodles and Doodles of every body, and required that the face of Europe should, as the author of Tom Thumb had it, "wear one universal grin." The ministers, however, might perhaps, say, that they thought the success of France of no consequence at all; he (lord H.) thought very differently. So important did he consider that success, that he thought it would behove the government of England to consider deeply and promptly, whether it was consistent with her reputation and her interest to form a part of the confederacy. They should be prepared to decide whether they ought to remain in it; and to think well, whether its operations were not, in fact, directed against the security of Europe. Upon this subject he could submit many important points to the consideration of their lordships, but at the present moment he should forbear to do so. It was, however, notorious that in that confederacy, there were persons who were the avowed enemies to the freedom of discussion and the freedom of the press which existed in this country, and to the free language which was used in that house. He had no doubt there were many persons in the cabinets of the Governments which composed that league, who felt in no small degree angry, that men in England should not hesitate to call bankruptcy, and want of faith by their right names. It would be recollected, too, that certain members of that confederacy owed the success of some of their plans in a great measure to their having engaged religious fanaticism in their cause; and that although their means of hurting our commerce were haply limited, they had not hesitated to throw as many impediments in its way as they could. It might then be a question whether it would not be wise to divide this confederacy, and return to the old policy of preserving the balance of power in Europe; or it might be adviseable to keep up a power similar to that of the Protestant party, which in former times had answered the same purpose; or it might seem expedient to separate and sever our interests from the old world; and looking to the United States and the Republics of South America, to form some new system of alliance, and create some new balance of power. This, however, was not the moment nor the place for agitating such questions; but the time was approaching when the choice must be made—when some system must be adopted; and any would be better than none. It would be impossible effectually to contend with the power of that system which was uniformly, silently, and ably pursued. In the long run, the resources even of the people of England, brave and patient as they were, would not be equal to that power. He sincerely hoped that those persons, whoever they might be, who should have the directions of the councils of the kingdom, would, when the time for making that choice should come, choose wisely; and he trusted it would come soon. If they did not, the nation would certainly be brought to disgrace, possibly to ruin and extinction; and this fate, if the opportunity of averting it were neglected, would be fully deserved.

Earl *Darnley* pressed upon the House the necessity of taking into its earliest consideration the state of Ireland. The evils that afflicted that unhappy country must be probed to the bottom. They were of a magnitude to allow of no longer delay. He therefore took that opportunity of stating, that on a very early day, he should bring the subject under the consideration of that House.

The Address was agreed to, *nem. diss.*

HOUSE OF COMMONS.

Tuesday, February 3.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.] The Speaker having reported the Speech of the Lords Commissioners, and read it to the House,

Mr. *Rowland Hill* rose to move an address of thanks, and spoke nearly as follows:—"Mr. Speaker, I should not have ventured to present myself to the House, for the first time, on this important occasion, if I were not convinced that the indulgence to those who undertake to move the Address to the Throne is always in proportion to the necessity there may be for showing it. With a full sense of my own inability to perform this task, I trust I may rely on even a larger portion of their kindness than they have been called upon to show on any former occasion. Nothing, indeed, should have induced me to undertake it, but the full persuasion that the Address of Thanks I shall have to move to his majesty, for the most gracious Speech which we have just heard, will be received with the unanimous approbation of this House. Sir, I think myself particularly fortunate that this duty has fallen to my lot at a time when, from the very gracious sentiments contained in his majesty's Speech, it will be extremely difficult for any man to find the means of raising a discordant voice [Hear, hear!]. Sir, when I look back to the last few years of our history; when I recur to the stupendous exertions and unequalled difficulties of the long war in which this country has been engaged, and the consequent distress arising from those exertions and those difficulties; I say, when I contrast that state of the country with its present condition, I am filled with admiration and astonishment; and the suddenness of the change and rapid contrast in our situation appear to be more like the creation of some superior power, than to flow from the ordinary influence of human councils. [Cheers.] Within seven years of a war, which has endured for a quarter of a century, in which all Europe was engaged; but the resources mainly supplied by Great Britain; we find our commerce extended to the remotest corners of the globe; our manufactures in the highest prosperity, and public credit, the life blood of the state, full of animation and vigour; while that which is the most important interest of them all, the agricultural, with which my own, and the fortunes and welfare of those I have the honour to represent, is in a gradual state of amelioration.—In addition to this gratifying prospect, I am happy to be able to add, that from Ireland, hitherto the dark quarter in our political horizon, a ray of light has broken forth, which I hail as the augury of future improvement.

By the wise removal of invidious distinctions and restrictions in our mutual commerce, by an extension of the blessings of education, and by a cordial sympathy in her sufferings in times of calamity, the reflecting part of the people of Ireland have been convinced of the deep interest which Englishmen take in her welfare; a conviction which will ultimately tend to make her a large participator in that happy state which makes us the envy and admiration of the world. In common with every lover of peace and of my country, I rejoice at the continued assurances of the friendly disposition entertained by foreign powers towards his majesty; and it is an act of justice in me to offer up my humble tribute of applause and gratitude to his majesty and his ministers, for the undeviating neutrality which this country has maintained during the late partial agitation of the Continent; a neutrality, which I am persuaded has prevented the re-kindling of a war throughout the states of Europe, and has established the peace of the world on a foundation of no ordinary stability.—In referring to that part of his majesty's Speech in which he has commanded the estimates of the present year to be laid before the House, I have to congratulate you; affording as it does, a striking proof of the prosperity of the public finances, that even after provision is made for the expenses incidental to an augmentation, his majesty has been under the necessity of making in both his naval and military force, an expectation is held out, that some means may be found of relieving several branches of our national industry. The expediency of this augmentation is unhappily founded on the state of the West-India Isles. I cannot, however, but indulge the hope, that a steady and calm investigation will prove that the true interests of the Colonists are inseparably connected with the moral improvement and meliorated condition of the slave population; and that the chief cause of the military augmentation will soon cease to exist. Offering, therefore, my grateful thanks to the House for the kindness with which they have heard me, I shall move that an humble Address be presented to his majesty.—The hon. member then moved an Address, which, as usual, was an echo of his majesty's Speech.

Mr. *James Daly* rose to second the Address. He said, that although he considered himself inadequate to handle the various and important topics contained in the address, he yet conceived that he should better consult the wishes and the convenience of the House, by entering at once into the discussion of the subject before them, than he should do by wasting their time in making apologies. He was induced to second the Address moved by his hon. friend, from a consideration of the various topics contained in the speech of which it was an echo, from the tone and temper with which they were introduced, and from a belief that there would be little or no opposition from any part of the House. To him it appeared, that the internal state of the country, as well as its foreign relations, were calculated, upon a fair and impartial view of the whole, to give great and sincere satisfaction. For a vast number of years, England, almost single-handed, had had to struggle against all the powers of Europe, guided and impelled by the genius and activity of one of the most extraordinary, and one of the ablest men that the world ever produced. It was, on the part of this country, a struggle, not for strength, not for ambition, it was a struggle for independence—the question was, whether she should fall under the feet of the conqueror of Europe, or whether she should remain a free nation? It was not his intention to detain the House by entering into a detail of the glorious achievements of the army and navy of England during that memorable struggle. Great Britain at length had triumphed in the contest, and Europe, through her means, was delivered from the ascendancy of the man who had conquered, and who would have enslaved her. After the termination of the war, England, at the Congress which was held by the powers of Europe, was as conspicuous for moderation in the cabinet as she had been for valour in the field: her ministers, wisely considering her real welfare, saw, that to promote that end, it was necessary to establish and to secure the permanent tranquillity of Europe. They went, therefore, to the Congress, prepared to sacrifice petty interests, and to place Europe in such a situation as was best calculated to avoid all future grounds and causes of disagreement and of quarrel. Such having been the liberal and the wise determination of ministers, it was not a matter of surprise, although it was of congratulation, that with respect to England the relations of Europe remained undisturbed.

He was glad to find, from the Speech of his majesty, that the relations of peace and amity between England and foreign powers remained in full force; and he hoped they would long continue undisturbed. At all times such a state of things was most desirable: at the present moment most particularly was it a matter of public congratulation. Parliament had met after the conclusion of a war in another country, the termination of which certainly could not be considered agreeable to the wishes of any British subject [Hear, hear!]. No one who lived in a free country, and who knew what freedom meant—no one who enjoyed the invaluable blessings of liberty—but must regret the extinguishment of the slightest spark of that liberty, no matter in what part of the world it might have been accomplished. Such was his feeling; but still he was bound to say, that the slight struggle which the people of Spain had made, afforded the strongest proof, that the policy pursued by the government of England was sound and wise. The manliness and determination which our ministers had shown, contrary, he would say, to the feeling of the country, reflected the highest credit upon them. The miserable resistance that had been made in Spain, afforded but too melancholy a proof, that the people of that country had not the hearts to fight for liberty, even if they had souls to value its blessings. England, during the great struggles that she had made, had afforded many noble proofs, that where her interests and her honour were concerned, she would not hesitate to go to war; but, after those struggles had ceased—after the blessings of peace had been happily earned and were about to be enjoyed—to throw those blessings away, to dash the cup from her lips, would not have been the way to promote the real glory or the permanent interest of the country.

To those ministers who had preserved the country, the acknowledgments of the country were due; the effects of their policy were before the world, and no candid man would condemn them. During the pressure which the country laboured under after the termination of the war, the ministers acknowledged the fact of that depression; but at the same time they ventured to predict its rapid improvement and its future prosperity. The state at that period might have been compared to a ship in a storm: she had much to encounter, but buoyed up by her native energies, she rode triumphantly over the waves, and reached the destined port. The various branches of her commerce had increased, and extended themselves. The agricultural interest, than which none was more important, and none had been so much depressed, it was gratifying to think was reviving. And happily, the increasing prosperity of the agricultural interest was not owing to any peculiar circumstance, to any political and unlooked for event, but to the increasing wealth and affluence of the country—to that wealth and affluence which every day created new wants, and enabled the people to gratify them.—He would now, slightly, advert to other topics of the address. The House was aware that for the last eight years, most enormous sums had been remitted, in the way of taxation. The remission of taxes had relieved the people, and had placed the financial system of the country upon an effective footing. It was to the operation of that system that England owed the proposed arrangement of her debt at the hands of Austria. Nor would France, were it not for the aid of English capital, have been able to march her armies into Spain—a monstrous aggression, which he condemned; but he noticed the fact merely to show the influence and power of this country. He had heard at different times, both in and out of that House, observations as to the power of England, and her influence as regarded foreign states; but it was his opinion, that that influence was never more conspicuous, that England had never held the balance of power with a more even or steady hand than she did at the present day.

Looking at the state of South America, it was gratifying, in the highest degree, to mark the progress of freedom in that country: it was gratifying to see millions throwing off the most abject yoke of slavery that ever disgraced the world, and pressing forward to vindicate the dignity and the independence of human nature, and to rank themselves amongst the nations of the earth [Hear, hear!]. The establishment, upon the part of England, of consuls in different parts of South America, was one step, at least, and a most important step, in favour of her liberties. He hailed it as such: but, whilst he did so, he would have it understood, that he would not wish lightly to encourage rebellion: he recollected that

England, during the contest between her and America, loudly complained of the interference of other powers, as an infraction of those general laws which one nation was bound to preserve with respect to another.

With regard to the West Indies, he thought that parliament could not act with too much caution, or with too much delicacy, as to the measures which it might be deemed necessary to apply, for the purpose of promoting the amelioration, and of ensuring the tranquillity of the West Indies. They would have to consider the system which for a long course of years had been pursued in that country; they would have to review the various acts of parliament that had been made as regarding it; they would have to consider the interests and the rights of the proprietors; and to adopt their measures with a slow and cautious hand. He said this, not from any want of good feeling towards the slaves; the first vote he had given in that House was a vote for the total and complete emancipation of the negroes, and he always looked upon that act of emancipation as an ornament and glory to the English statute-book. He was an anxious friend to the emancipation of slaves in every country; but he could not, at the same time, shut his eyes to the situation of proprietors, nor to the injustice of what would be neither more nor less than an interference with the rights of private property. Under all the circumstances, parliament would act wisely to weigh well the state of the West Indies, before they proceeded to overturn a system which had existed for so many years in that country.

There was another subject to which he would advert—a subject which, he had no doubt, interested the feelings of that House—he meant the situation of his own country. Gifted highly by nature, possessing a soil superior to that of England, it was a most melancholy and humiliating fact, that in every other particular she was far behind her: it was painful to allude to the various proofs of misgovernment—of oppression—which accounted for the constant disturbances which prevailed in that country. He did not deny that much had been done for Ireland; that large sums had been given to promote education. He hoped they had been properly appropriated. The splendid munificence of England two years ago, had done more to strengthen British influence, and to place the people of England in a true light before the people of Ireland, than any circumstance which had ever occurred. The assembling of magistrates in petty sessions, instead of administering justice or injustice in their own houses, he knew had been attended with the most beneficial results. Justice so administered, impressed the people with the belief that at length the laws were about to be dealt out with an even hand to the great man and to the poor man. The want of employment of the population was one of the prominent evils of Ireland, but he hoped that that evil would soon be remedied. But it could be only remedied by the circulation of English capital; and it was a pleasing fact within his own knowledge, that during the last six months large sums of British capital had found their way into Ireland [Hear, hear!]. He hailed this as the commencement of a great good, for it was his opinion, that one British merchant employing his capital in manufactures in Ireland, would be of greater benefit to that country than whole volumes of laws [Cheers]. But when he said this he meant not to deny the influence of wise and wholesome laws, or the influence of wise and able men called upon to administer those laws. The measures that had been recently taken had not improved the situation of the people: indeed, so rapid an improvement could not have been expected. But it was his hope that Ireland would improve—that measures would be taken to bind the people to the laws, to remove the causes of disgust and dissatisfaction, and to ensure the public tranquillity. He was convinced that British capitalists, once assured of safety and protection, would employ their money in that country, and under their influence he had as little doubt that Ireland would rapidly improve [Hear, hear!]. There was another great benefit which might be easily conferred on Ireland, and which it was injustice not to confer. To what, he would ask, were the British people indebted for their superiority, their prosperity, and their happiness? They were indebted for those great blessings to the union that prevailed amongst them, founded, as that union was, upon the full and equal enjoyment of their common country, and the blessings of their common constitution [Cheers]. He believed that any measures which might be taken, however well intended, would be of no essential benefit to Ireland, as long as the people were kept divided by means of the very laws by which they were governed. These laws could only be looked upon in the light of a disgrace and misfortune; they went to bar out the great majority of the people from the rights of their country; they went to arm one party against another, and to depress and degrade the whole. He had felt it necessary to say thus much, because he would have ill discharged his duty, if, whilst he alluded to the measures of improvement which had taken place, he did not say that, unaccompanied by the great measure of justice to which he alluded, they would turn out to be of very little value; he did not mean to say that they would be of no value. As the supporter of the policy of the present ministry, he trusted that he should be excused in seconding an Address to the Throne on a royal Speech, which pointed out the fortunate results of that policy, in the continued peace of Europe, and in the increasing happiness and prosperity of the empire at large. [Hear, hear!]

Mr. *Brougham* said, that he rose thus early to press himself upon the attention of the House, chiefly in consequence of the observations which had fallen from the hon. member who had so eloquently seconded the motion for the address. With respect to the Speech itself, he was in the same situation in which he believed the great majority of the members of that House found themselves on the present night, when they had heard for the first time of the topics of the speech, save what they had gleaned by hearsay in the morning, through the various channels of communication open to them; partly, indeed, through the English newspapers, partly, also, through the foreign; for through the one, as through the other, they had anticipations of, he believed, equal accuracy. He should therefore wish, considering the great importance of the occasion, the greater importance of the crisis, and the magnitude of the topics which such a speech must necessarily embrace—he could wish, he said, on this occasion, and now more than on any other within his memory, to be allowed to recur to the good old established practice of consideration before they discussed the Speech from the Throne, and not to be driven prematurely, and in a state of comparative ignorance, to do that which, in whatever way it could be viewed, amounted to nothing more nor less than a committal of themselves to the adoption of certain propositions, which were precipitated into their view by his majesty's ministers on the very first day of the session. But, as he knew little of the contents of the Speech, except from the sources to which he had already referred, and as he had only heard the subjects therein referred to glanced at and elucidated in the speech of the hon. seconder, not having had the advantage of hearing the hon. mover's speech, he had only the power, upon the spur of the occasion, to notice such arguments as he had heard in support of the topics, in a speech which he had not had the opportunity of considering; and the consideration of which he was afraid he had no chance of inducing the House, according to the good old practice, to postpone. There were, indeed, certain expressions and opinions which had fallen from the lips of the hon. seconder, which he had heard with great delight; and so, on the other hand, there were others which the hon. seconder had used, to which he could not defer his opposition one moment, and the policy and principle of which he must positively contradict. For the former—namely, the parts of the hon. member's speech which gave him the warmest pleasure—he had to refer to his concluding observations, which, considering the occasion when he uttered them, his situation, and the circumstances under which he avowed such principles, were not only worthy of the age in which the hon. member lived, but afforded some presage that the time had at length arrived, when that disgraceful system under which Ireland had been so long misgoverned was to be abandoned, and when that unhappy country was at length to be ruled upon some constitutional, intelligible, and consistent mode of government; and not by having one officer in its administration so placed and so acting, as to thwart another, or both of them so relatively situated in the scale of their system, as to be neutralized by a power which worked at home, and which they were afraid to strike; or by not being allowed to carry with them any settled determination to act entirely for the benefit of the people and the tranquillity of the state. It was time that an avowal should be made of some wish to give to Ireland the benefit of constitutional freedom—of that practical administration of good laws, which was the real and best mode of securing the public co-operation in their behalf: it was time to hold out that hope to a suffering and long misgoverned people, who had, to use the eloquent language of the hon. seconder, only known the British constitution by the bars which shut it out from them. If this were the new and sound policy which was to dawn upon Ireland, he hailed its approach, not only as the greatest blessing which could be bestowed upon that afflicted people, but as the most certain means of extending concord among all classes of his majesty's subjects, and of making them more generally useful to the empire at large. This change, however, to be effective must not be delayed: it must be promptly taken up by an effective and honest effort of the government, emanating directly from them, and promulgated with an avowed determination to have it strictly and inflexibly applied.

Concurring as he did in this part of the hon. member's speech, it was with regret that he had to follow up his other observations with the most decided expression of dissent from many of the sentiments uttered by him. Indeed, he could hardly understand some of the comments which he had made upon the policy and conduct of this country towards her foreign relations:—he hardly knew on what portion of her late intercourse with foreign states England ought to felicitate herself—the cursory expression of regret which the hon. member had applied to the infamous invasion of Spain, following his allusion to the single sentence which the speech contained respecting that event, and which was one congratulating the sovereign on the line of policy he had been advised to adopt. Good God! what was that line of policy? It might have been right, or it might have been wrong—it was now too late to argue the question of that policy; but was its effect that upon which the parliament had a right now to congratulate their sovereign? To have adopted a different policy might, perhaps, as the hon. member supposed, have led to defeat; but even in that view of it, they were only one degree better off than they would have been had they made the experiment of their interference. This country might have been, under one alternative, doomed to witness, notwithstanding her interposition, the conquest of Spain by France, and the ultimate possibility of being involved in a war, without making the attempt to frustrate the aggression of the invader. That course she had not taken, but had remained a witness of the aggression. Was that a topic of congratulation? It might have been wise not to have gone to war; but he must repeat, that of all topics of self-congratulation, and of all times to urge them in the face of the world, this was the most extraordinary, the most incredible, when the avowed object of France, and those with whom that power was in conjunction, was, to put down the spark of liberty wherever it dawned. Was that the moment for England to congratulate herself upon her non-interference to save the rights and liberties of independent states? At least, it became a free nation like this, not to withhold her remonstrance from being heard, rather than her congratulation upon her own passiveness, by the supporters of that league of despots, who, in the first instance, through the agency of France against Spain, have avowed their armed conspiracy against the liberties of the world. That such a moment should be taken by a British Parliament to congratulate the Crown, that matters have not gone worse with the people of England, would hardly be credited, unless by those who had heard the words of the address. Let the House recollect what it was which had happened since they had last met: it was *only* the conquest of Spain by France—only that France had, by force of arms, possessed herself of that ancient and once powerful nation—and only that Great Britain had suffered, almost without remonstrance, that French achievement to be performed. And yet England was now to congratulate herself upon what she had done, or rather had failed to do, for the preservation of the liberties of an independent state. There was a time when that event (the conquest of Spain) was much more distant than it lately looked—when the situation of England at home was most different from what it now was—when the necessary mode of conducting the particular war was the most expensive of all the expensive wars that had ever been undertaken—and yet, at that time the struggle of Spain was by England manfully and victoriously defended, and her victories in that cause celebrated throughout the world. But, of what avail, he now asked, had been that expense and that bloodshed? It was now indeed (and sorry was he to say it), useless to discuss the different policy which the government had on the late occasion pursued; but, for God's sake, if it cannot be the subject of remonstrance, let it not be put forth on parliamentary record as a fit source for expressing felicitations to the throne.

The hon. member had dwelt upon the inadequate resistance made by the people of Spain to their invaders, and had from thence inferred, that the Spaniards had altered their attachment to a free constitution, and, to say the least of it, had evinced but a very moderate desire for a species of liberty for which they were not prepared, and manifested no feeling to make any sacrifice for the maintenance of the new constitution provided for them. This argument of the hon. member cut two ways; and, viewed in either, carried with it many difficulties. He should like to know if Spain was not against the present restored government—if the feelings and principles of an immense part of the Spanish population were not decidedly favourable to the system which the allies had subverted—if such had not been, and still was the predominant desire of that people, why was France compelled to keep 60 or 70,000 troops in Spain to prop the throne of Ferdinand? The hon. member's argument, to say the least of it, placed him in this dilemma—either the Spaniards loved a free constitution, and must be kept down from the enjoyment of it by an overawing force; or France has conquered Spain, and is prepared to hold it as a conquered country. There was no getting rid of that dilemma. There was one of two conclusions to which the argument, as put by the hon. member inevitably led—one of them was most hostile to the plighted faith of a great nation, most dangerous to the safety of surrounding states, and most deeply committing the public honour of France; who, but the spring before her invasion, had disavowed all idea of a direct attack upon Spain. In the face of Europe, France had disavowed that aggression formed any part of her views towards Spain. The British government had been duped by the disgusting hypocrisy which then veiled the designs of France; and being so duped, the means were overlooked of doing what could be done to avert the fate of Spain. But, on the other hand, if that were not the alternative to which Spain was reduced, and that she had a desire to maintain her constitution, but compelled to yield to the force of circumstances, was herself unable to present a sufficient front to her invaders, although she claimed the aid of other free countries for a support that would have been trifling to them, yet adequate to her exigencies—a trifling pecuniary aid, a small naval co-operation, the resources which she might have derived from the individual services of enterprising individuals by the repeal of the foreign enlistment bill—these, with her own efforts, might have had a fair trial, although it was impossible to foresee the actual result. There was no getting rid of the dilemma which he had pointed out. He believed the cause of the disasters of Spain had arisen from the conduct of both parties, who were affected by the dilemma. He believed that Spain had been prepared to defend her constitution, though left to herself, without leaders and external support, and that still she was kept down by the overwhelming power of France—that she had suffered a conquest of her national independence, the worst and most dangerous of all conquests, in the face of a civilized world. This was an overt act in the conspiracy of the great band of tyrants against the liberties of free states; and it had been done while another great nation, herself the cradle of freedom, remained a passive spectator of that blow, which, by the least active interposition, she might have repelled.

What had this country gained by the policy on which they were now called upon to felicitate themselves? The hon. gentleman had asserted, that at no former period of her history had Great Britain held a more commanding attitude in the eyes of the world, or one in which she more completely held the balance of power in the scale of human politics. Where was this shown? Where was this preponderating control of influence visible? They once, indeed, could boast of that proud pre-eminency; but he challenged any man to point out its existence now, in governing the destinies of states. Either, they had the power, and refrained from using it, or they had suffered the beam which upheld liberty and the independence of nations to be kicked by a herd of despots, and the balance to be overpowered; or they had suffered themselves to be duped and cajoled, and shut out from the European system; or, what was, if possible, still worse, to be called into it, when (and indeed upon no other occasion) they were wanted as brokers, when the bills were to be paid, and the money was to be supplied to meet the exigency of the scheme. One mode of estimating the sense entertained by the continental powers of the conduct and station of England was, to see in what light foreigners treated them. It was now the proverbial talk abroad, when the politics of England were discussed, that she was no longer entitled to rate herself as a first-rate controlling power—no, nor even as a second-rate; but must take her place as an insular power, where nature had put her, or where she had put herself. It might be said, that the dangers which were imputed to the system of the foreign despots were fanciful, distant, and chimerical. He was prepared to maintain the contrary from the avowed principles of the conspirators, commonly called "The Holy Alliance." [A cry of "Hear."] What! was this designation of these Sovereigns doubted? Why, it was not his, but that which they had given themselves. There was but one view which could be taken of that league of conspirators, and of the motives of their alliance. He did not expect that any measure would proceed from these conspirators during the course of either the present year or of the next year, or even of the year after that, expressly designed to wound the pride, or outrage the feelings of the people of this country; for though that people were prevented by many considerations from plunging hastily into the miseries of war, though they were bound over to keep the peace in recognizances of eight hundred millions sterling; yet, as in the case of private individuals, there were insults which compelled them to forfeit the recognizances into which they had entered, so also, in the case of nations, there were circumstances so injurious to their honour, so galling to their pride, and even so alarming to their fears, as to induce them to forfeit the recognizances by which they were bound, and to say, in language more warranted by high feeling than by sound discretion, "Let the debt go; let the storm come; we are prepared for the worst; and hap what hap may, we will submit no longer to the contumely and outrage of these oppressors of mankind." Therefore, it was, he conceived, that the imperial personages abroad would proceed slowly and gradually, but still silently and surely in their infernal work; that they would not assail us by any direct and immediate measures, but would accustom us by degrees, to bear, first one thing and then another, till at last, when they had come to that point at which we necessarily must stop, we should find that we had lost the golden opportunity of resisting them with success; and having lost with it, that which to individuals was every thing, and to nations almost every thing, namely, our honour, should be driven at their good time, and not at our own, to wage a long and sanguinary, and perhaps, unsuccessful struggle against those whom we could have resisted successfully had we resisted them in the outset of their aggressions.

In making these assertions, he was not indulging in empty and unsupported declamation. He had only to ask the house to look at the conduct of these crowned conspirators abroad, and then request it to judge of what their intentions, and feelings, and conduct must soon be toward us. He had been treated during the last session—and as it was a most important point, and one of which he had a most vivid recollection, he would proceed to it first—he had been treated with a sneer of contempt, by a right hon. secretary, when he had stated, that, according to information which he had received, the allied sovereigns had commenced a system of unwarrantable interference with the internal government of the Swiss cantons. He had said at the time that he did not believe all the information which he had received, but had added, that if the least part of the least statement which he had heard were founded upon fact, it was much too much. The right hon. secretary, in reply, contented himself with parodying the expression which he had used, and did not venture to say, "there is no foundation for such a story," which would have been satisfactory, or "we do not ourselves know of any such thing," which to him would have been more satisfactory; for he should have supposed that as the well-paid minister, whom we had residing in that country, with all the intelligence which it was his duty and his business to collect, had not heard any thing of such a measure, there could not be any truth in the information which he had received regarding it. The right hon. secretary, however, ventured to say, "If the least part of the least statement which the hon. and learned gentleman has made, is much too much for him to disclose, it may be a satisfaction to him to know, that that least part is much more than his Majesty's Government are informed of." From the epigrammatic turn of the expressions which the right hon. secretary had then used, he had an entire recollection of the reply which he had then made; and yet, notwithstanding that reply, it now turned out beyond all dispute, that the intelligence which he had received, was much more correct than that which had been transmitted to his Majesty's government: for though, hitherto, he had not been proved to be correct in what he had asserted regarding the offer of placing Switzerland under the protectorate of an Austrian prince, still he had been more than borne out by facts, in what he had asserted regarding the restrictions which were to be placed upon the freedom of its press, and the regulations by which it was proposed to send all emigrants out of its territories; or, in other words, by imperial mandate, to convert Switzerland, which in all former time had been an inviolable asylum to all persons persecuted for their religious and political opinions, into a mere province and appanage to Austria. Sorry was he to state, but it was a matter too important to be passed over in silence, that those individuals whom the calamities of their country and the oppression of its rulers had induced to seek refuge in Switzerland, had been driven from its confines, with an aggravation of suffering that was totally unnecessary even to accomplish the infernal purposes of their persecutors; and that the press had been put down with a degree of superfluous violence, for which it was impossible to account upon any rational principle: for, not content with putting down those journals which communicated political intelligence, or those journals of intelligence in which certain matters of political discussion were mixed, they had even put down those journals of which the object was mere literary and scientific discussion, for no other reason, that he could learn, than that they savoured of discussion, and that discussion and conspiracy could not stand together. He might be told in reply, that notwithstanding all these circumstances, the finances of Switzerland, though small in amount, were flourishing, that its people were contented and cheerful, and almost free from taxation; that there was tranquillity within, and no disturbance from without; but yet, though all this were true, he would still call Switzerland an unhappy country, placed as it was at the beck of foreign despots, and therefore forced to connive at the wrongs, which those public conspirators, against all that was free, and virtuous, and holy, were daily inflicting against the liberties of mankind. The people of Switzerland were made their accomplices, and thus contrived to preserve nominal freedom, whilst practically suffering all the indignities of the most abject slavery. By such conduct they trusted to escape those evils, which open resistance would immediately bring upon them; and all they gained by such obedience to the mandates of their masters was a postponement—a short postponement of the misfortunes which they dreaded.

Nor was it in Switzerland alone, that these conspirators made their power to be felt and feared. In Germany they exercised similar control; and it was not too much to say, that they acted as a police; a kind of royal, imperial, and military police—all over the continent of Europe. Indeed, they acted like that unseen body which formerly exercised its influence over Germany, to counteract principles and practices as detestable as their own. Like that unseen body, these conspirators met in secret conclave to effect their objects: like them, they deliberated on their decrees in private, and afterwards appointed individual members to execute them in public. For instance, sentence went forth against Italy, and Austria was appointed to desolate and overrun that beautiful country. On a subsequent occasion, Spain and Portugal became the object of their rage, and to France was allotted the task of punishing and enslaving them. On one day Austria, and on another France, was the power selected to execute the orders of this confederation of despots; and that, too, without any deference to us or to our interests (indeed, as to our interests, it would only enhance the merit of the deed, if it were decidedly hostile to them); without any regard to our feelings, principles, customs, or opinions; and the bitter fruits of those orders, were reaped by their victims, or by ourselves, without any question being made as to their effects, or any objection being urged by us as to their consequences [Hear, hear]. And this, he was to be told, was subject of congratulation to the people of England! This was holding the balance of power, swaying the destinies of Europe, and executing our own purposes as absolutely as we ever did in the "high and palmy state" of our national glory!

To return, however, to the point from which he had digressed. He had before described to the house the complete state of vassalage to which the press had been reduced in Switzerland. If any man doubted of its being in a similar state of subjection and degradation in Germany, he would merely remind him of what had occurred a short time ago, in the kingdom of Wurtemburg, where a mandate was given to the government to suppress an obnoxious journal, and where the obnoxious journal was suppressed accordingly. He had been told upon authority which he could not dispute, that there was no part of Germany in which the editor of a journal durst publish any thing that was calculated to give umbrage; he would not say to the sovereign of his own country—for that was a matter of municipal law and domestic arrangement—but to the Czar of Muscovy, the King of France, or the Emperor of Austria—foreign powers, natural enemies to each other, between whom no alliance could exist that was not founded upon the principle of conspiring against the liberties of nations; and who had no more right or title to interfere with the press of Germany, than the Commons of England had to interfere with the press of France, or to command the suppression of any journal published in its metropolis. He was afraid that this was the case in Italy also. An Austrian army, as they all knew, had over-run that beautiful yet miserable country. The south of it was still occupied by a body of 30,000 men, whilst the north had recently witnessed a scene of horror, ["hear" from all sides of the house], of which the mere recollection made the blood curdle in the veins, and filled every feeling breast with the strongest emotions of disgust and abhorrence. Despotism had there added new horrors to the cruelty which it always exhibited in the execution of its decrees, and had aggravated, by the most ingenious barbarity, the mental tortures which it was in the habit of inflicting on its unhappy victims. He wished not to excite the feelings of the house by any glowing appeal to their passions; but he could not help asking them, whether any language of condemnation could be too strong for a government, which, when individuals had been sentenced to death after three years' confinement in a fortress, remote from their friends, unacquainted with their crime, and unconfronted with their accusers, could, after their relatives had undertaken a week's journey to apply for mercy, send them back without any answer, and withhold from them the knowledge that an order had been already issued to remit the capital part of the sentence, and to change it—he could not say whether in mercy or not—into protracted imprisonment, for ten or twenty years, in an Austrian fortress? Let them reflect on the mental agony in which those unhappy females must have travelled back to their unhappy relatives, in ignorance of the commutation of their sentence, and expecting to arrive at the place of their imprisonment too late to catch their last sigh, or to pay the last offices of affection to their bleeding remains: let them reflect on the mass of wanton and unnecessary suffering to which they had thus been exposed; and then, if they could, let them withhold from those who inflicted it, their disgust, their hatred, and their deepest execration. This was a sample, and he was sorry to say, not a solitary sample, of what was daily going on in that conquered country. He spoke of it, not as an evil caused by its municipal law, but by the presence of a foreign and insulting enemy. It was not, however, the only grievance to which the Austrian subjects of Italy were exposed. It was true, that torture had been abolished, and that the rack was no longer in use; but, unfortunately, the judge of police was invested with a power, which enabled him, if his victim did not answer as he wished, to aggravate his sufferings in whatever proportion he thought fit. For instance, he could place him in a dark instead of a light dungeon; he could feed him on bread and water, instead of the usual prison allowance; he could confine him for ten or even twenty days in a cell, which he was authorised to render more or less damp and unwholesome, according as the prisoner showed a greater or a less sense of the enormity of his offence; in other words, according to the honesty, or obstinacy, or strength of nerve of his victim; and thus he was enabled to extort by a slower, though not a less effective torment than the rack, an avowal of guilt where the individual was not guilty, and a denunciation of crime against those who had never committed it. These practices, they were aware, had been now carried on in Italy, under Austrian superintendence, for upwards of three years. In some cases, the victim had sunk under them; in others, he had been so completely worn down by his sufferings, as to have sought to escape from them and from life together, by confessing guilt which he had never perpetrated; and in many, the nearest relations had inculpated each other of crimes, which it was afterwards proved, upon the clearest evidence, it was not possible that they could have committed. This, he repeated, was daily done in Italy under Austrian superintendence, in conformity with the mandates of the conspirators, whom he had before described. They need not order it to be done in Spain by the satellites of France, because they had a more active and appropriate agent for their purposes in that country, in the person of Ferdinand its beloved monarch [a laugh], who, he defied any man to deny it, was more the object of the contempt, disgust, and abhorrence of civilized Europe, than any other man now living in it. "There he is," continued the hon. and learned gentleman, "a fit companion for the unholy band of kings, who have restored him to the power which he has so often abused, in order to give him an opportunity of abusing it once more: there he is, with the blood of the murdered Riego yet dripping on his head, seeking fresh victims for the scaffold, and ready to proceed, on the first summons, to the torture of the helpless women and unoffending children, whom fortune may have placed in his power. I believe that in this house, as well as in this country, there is only one feeling regarding the conduct of these despots. I believe that if the country were polled man by man, though there might be some who think it unfit to give vent at present to such sentiments as I have expressed regarding them, there would be none to dispute their propriety or correctness. I believe that I might call upon the house now, as I did three years ago, in the case of the unprincipled aggression upon Naples, and with the same success. I believe that I might even call upon those gentlemen who think me unwise in making the declaration I have done, and put the question to them, one after another, without any fear as to their answer, do you, or do you not, abhor the whole conduct, character, and principles of those conspirators, who are now exerting their utmost power to degrade the moral dignity of man, to bring back the times of intellectual darkness, and to deluge the fairest portions of Europe with the blood of all who opposed themselves to the completion of their infamous designs?" [Loud cheers.]

The hon. and learned gentleman then reminded the House, that it behoved it to consider the difficulties into which the recent policy of the continental monarchs was calculated, at no very distant period, to plunge this country. However insensible we had shown ourselves to the aggression upon Old Spain, it appeared that we were likely to be a little more sensitive to any aggression upon New Spain. He knew that there was a party in the state —he trusted an insignificant one—which had said, "let France rule old Spain; let all the resources of that magnanimous and once powerful nation be placed in the hands of our ancient enemy and rival; let all the sea-coast of Spain, with its different harbours and arsenals, be in her undisturbed and undisputed control: let her have possession, as long as she pleases, of those parts of Spain from which an enemy can most easily invade Ireland—that country in which, as the hon. seconder of the address had well remarked, it has long been our plan and our policy to keep the people divided and disconnected—let all the advantages of Spain, natural as well as adventitious, after they have been improved to the utmost by the intellect of France, a power the least likely in Europe to neglect them, be employed against us; let all this be done; still, all the danger that can arise from them is a distant apprehension, an idle fear; if we do quarrel with France, it is no matter; we have beat her once, when she was mightier than she is now, and if need be, we can beat, and will beat her again." All this might be very true: we might, and he trusted we should be successful in such a struggle; still he thought it might be as well to avoid even the cause of quarrel, in a case where, if quarrel did occur, we must necessarily run up a bill of 100 millions, to say nothing of the many thousand lives which must be sacrificed during its continuance. It was all very well that such a calamity—for war under any circumstances was a calamity—should happen, where the honour as well as the interest of the country was at stake; but still if it was to occur, we should not allow our adversary to take undisputed possession beforehand of every advantage that was calculated to annoy us. Some individuals, however, acted—and he was not now alluding to his majesty's ministers—as if the honour of the country were not worthy of regard, and as if its interests were the only legitimate cause for its engaging in war. They considered that our honour had not been tarnished by the aggression of France on Spain; yet they saw our dearest interests endangered by the very suggestion that a similar aggression was contemplated by France upon Spanish America. Their language almost amounted to this—" I care not for my character, I value not my honour; but touch my pocket, and you touch my life. Touch what you will, but for God's sake touch not the colonies; if you do, you touch the manufacturers of England; you place yourself in collision with one of our most delicate interests," and, as some said, though he again repeated, not his majesty's ministers, " You give us cause, and make it time for us to arm." He could not understand by what misapplication of ingenuity, or by what subtilty of argument, such persons could persuade themselves that we had a right to protest against the aggressions of France upon South America, after we had not uttered a word of protest against her aggressions upon Spain. At the present moment the colonies belonged *de jure* to Ferdinand. According to the doctrines advanced by France before she invaded Spain he was not more out of possession of Mexico than he was out of possession of Madrid. It was to relieve him from the power of the constitutionalists, and to restore him to his legitimate authority in Spain, that French troops were marched into Spain. This pretext was not quarrelled with; and what was there to prevent a similar excuse from being as good in the case of Spanish America, as it had been in the case of Old Spain? Besides, it might be asked, had not Ferdinand a right to take back colonies which were undoubtedly his before the commencement of the war? To that question he knew that the right hon. secretary opposite had given a decisive answer. In one of his state papers he had said " Time, and the course of events appear to have substantially decided the separation of the colonies from the mother country." But he would ask, had not " time and the course of events," at the period of the French invasion, more " substantially" decided, that the Spanish constitution was the constitution of that country. Had not that constitution resisted all the attempts of its assailants, from its establishment in 1820, down to the year 1823? The fact was beyond dispute. Until French gold and French intrigue set up the army of the faith, the constitutional government of Spain was clearly an independent one; indeed, it had been recognized more than once by our own cabinet, and had been more formally recognized several years before by the imperial autocrat of Russia himself. If we ever went to war to prevent France from taking possession of the former colonies of Spain, there would be an inconsistency in our policy, which ought to be reconciled, but which, in his humble opinion, it would be beyond the wit of man to reconcile. He knew that he was expressing the hope of every man in the country, when he said, that he trusted that the colonies of Spain would never, under any circumstances, return under the dominion of the mother country, no matter whether she was to exist under a constitutional government, or an absolute despotism, or whether England, France, or Russia, was to hold the preponderating power in her councils. He trusted that the inconsistency which he had pointed out in our policy admitted of reconciliation; but whether it could or could not, he trusted that we should not neglect our duty to America, although we had grossly neglected it towards Spain. The question, however, with regard to South America, he believed, was now disposed of, or nearly so; for an event had recently happened, than which no event had ever dispersed greater joy, exultation, and gratitude over all the freemen in Europe—an event in which he, as an Englishman, connected by ties of blood and language with America, took peculiar pride and satisfaction—an event, he repeated, had happened, which was decisive on the subject; and that event was the speech and and message of the president of the United States to Congress. The line of policy which that speech disclosed became a great, a free, and an independent nation; and he hoped that his majesty's ministers would be prevented by no mean pride, no paltry jealousy, from following so noble and illustrious an example. He trusted that as the United States had had the glory of setting, we should have the good taste to follow, the example of holding fast by free institutions, and of assisting our brother freemen, in whatever part of the globe they should be found, in placing bounds to that impious alliance, which, if it ever succeeded in bringing down the old world to its own degraded level, would not hesitate to attempt to master the new world too. [Cheers.] On this point there was no occasion to have recourse to conjecture, as they had facts before them. Ferdinand had been expressly told by the emperor Alexander, that if he would throw off the constitutional fetters by which he was trammelled, he would assist him in recovering his trans-Atlantic dominions. In this case they would send out no army, they would equip no fleet, they would not appear to take an active part in the struggle; but they would most assuredly give assistance, in an underhand and covert manner, to the efforts of the Spanish Government. Treasure would be privately supplied; arms and ammunition would be sent out, secretly, but in the abundance required to meet the views of Spain; and, above all, that would be done with respect to South America, which had already been successfully practised in the Peninsula; bodies of intriguers amply supplied with money, would be sent out; the priesthood of the country would be found most willing allies in creating suspicion and sowing dissension; and unless an effectual resistance were made (and to expose the danger in the first instance was the most effectual step towards resistance), those colonies would be again brought under the iron rule of the mother country. If the declaration of America did not, as he hoped it would, put an end to those attempts on the independence of the colonies; if a vigorous resistance were not opposed to those machinations; sooner or later their liberties would fall a sacrifice to the intrigues of Spain and of the allied powers.

He could have wished that the hon. seconder had omitted one expression which had fallen from him in the course of his speech. He alluded to that part in which he had spoken of the unfortunate termination of the contest in Spain, and to the little resistance which had been made by the Spanish people. He would not then enter into an inquiry, whether that result was occasioned by the influence of foreign powers, or by the conduct of the people themselves. Undoubtedly, blunders had been committed. The want of a settled constitution, and somewhat of a too scrupulous policy, had led them in a crisis of affairs delicate and critical beyond all previous example, to stand on form, when they should rather have attended to substance; added to this, were the efforts of the priesthood whose mischievous influence was deeply to be lamented in Old Spain. Of these internal evils, aggravated by external aggression, the liberties of Spain became the victim. With respect to those distinguished individuals who had left that country to avoid the tyranny which they must have experienced had they remained in it, it must be admitted by all parties, that they retired from the contest with hands unstained with blood, and with reputations untainted even by the breath of suspicion. They possessed not resources to save Spain, but they had more than ample resources to save themselves from contumely. Those great men had retired, subject to no charge; but conspicuous for that honest, illustrious, and in this country, he hoped, honoured poverty which they preferred to wealth, when acquired by an abandonment of principle. He hoped to God that they would find, wherever they went, the same sympathy, and kindness which had been extended towards them in England. The people who had squandered such sums of money on projects that were worse than useless might well extend the hand of assistance to those high-minded men; and he anxiously hoped to see the day, when they might do justice to their transcendant merits, by treating them in that generous way which their virtue deserved. He begged pardon for detaining the house at such length. He had, indeed, occupied a much longer portion of its time than he at first intended; but he felt so strongly on some of the points introduced by the hon. seconder into his speech, that he could not avoid noticing them. He should only add, that the pleasure which he felt at the admission contained in the concluding part of the hon. gentleman's speech, was as great as the gratification he experienced in having discharged his duty, by entering his protest against other portions of it.

Mr. Secretary *Canning* said, he rose with some degree of diffidence, because he had not previously intended to present himself to the House immediately after the hon. and learned gentleman, in consequence of the impression created by a rumour which he had heard, namely, that it was the intention of some hon. member on the other side to propose an amendment to the address. However, as that intention seemed not to be entertained, and although the hon. and learned gentleman had thrown no obstacle in the way of that practical conclusion at which he believed the House would arrive, yet there were some points in his speech, which it would be neither respectful to the House, nor just towards his majesty's government, to pass over in silence. Whatever might have fallen from the hon. seconder, which appeared objectionable to the hon. and learned gentleman, he must request, in fairness, that the whole of the Speech from the throne should be considered together—that it should not be taken in its separate topics, but should be viewed with reference to the general tenor of the matters under consideration, and to the general state of the country in all its relations. He entirely agreed in the sentiment, that the present was not the moment to consider with the best advantage, or with reference to the immediate business of the day, the by-gone question of the policy which had been adopted towards Spain. That question must refer solely to the address carried in the last session of parliament—he need not say with how large a majority, or with how general a concurrence of the public voice throughout the country. The policy then recommended had been strictly adhered to; and the events which were then in progress had now been brought to a conclusion. It was impossible for the Speech from the throne to omit all notice of that subject; and it was equally impossible to have noticed it in a manner less calculated to revive extinguished feelings, or to excite any of those angry emotions to which the introduction of such a topic might be supposed to lead. He was not inclined to follow the criticism of the hon. and learned gentleman, who had gone over the whole of the speech of the hon. seconder; situated as he was, any other person would be more proper to undertake that task than himself; and therefore he should not enter into a discussion as to the causes to which were to be attributed the failure of the efforts which had been recently made in Spain. God forbid that he should exult over those who had been discomfited! God forbid that he should utter an unkind sentiment towards those who were now mourning in anguish over their defeated hopes, and whose misfortunes no individual talent, virtue, or exertion, could avert! Undoubtedly, the issue of that contest must have been seen to depend on events and circumstances which no human being could estimate with certainty or confidence. One great consideration was, the degree of support which the existing constitutional system was likely to receive from the feelings and affections of the people of Spain—that people on whom it had always been said so much dependence might be placed. As this country had not any thing to do with the struggle—as his majesty's government felt that a strict neutrality was the wisest and best course to pursue—he was prevented from stating what the opinion of ministers were with respect to that constitutional system. He was not desirous to point out its defects—he was not desirous to point out its unfitness in many respects for that country—he was not desirous to point out how far it was unsuitable for monarchical and Catholic Spain. It had failed; and with its failure a state of things had grown up, respecting which, standing in the situation he then held, he would not utter an opinion. It was, however, satisfactory to state, that, in the contest for its establishment, no British army, no British navy, no British treasure, was employed. So far as this country was concerned, the Spanish people were left to act for themselves.

Then came the question, for what purpose were they to have interfered, and to what extent was that interference to proceed? Now, it was not merely necessary that they should send fleets, and armies, and supplies to Spain; but, to have been of use, they must also have carried into that country, unanimity, firmness, and confidence—qualities, of all others, which strangers never carried into a state where they were about to employ their arms — qualities which, money, fleets, and armies having been supplied, the people must, after all, acquire for themselves. Now, if unanimity and confidence—requisites so necessary for carrying on the contest—did not exist, was it possible, even with our assistance, that the effort to establish the constitutional system could have succeeded? or that any thing beyond a protraction of the struggle would have been effected? But the hon. and learned gentleman had connected the affairs of Spain with another question, which was not yet decided; and he had declared, that he could not understand how it was possible that this country could raise a barrier against the invasion of Spanish America by a foreign state, unless she was prepared to exert her power against the war which France was waging with Spain. But, the distinction was very plain. Precisely on the same principle that they determined not to consider the internal affairs of Spain as a fit subject for their interference, they would be justified in preventing foreign powers from interfering with the affairs of the colonies. They must consider the mother country and the colonies, according to the peculiar circumstances of the case; and he must say, that there never had been an instance in the history of the world, where the separation of the mother country and the colony had taken place, where a neighbouring state had not a clear right to exercise its judgment on the question of recognition. Undoubtedly, the mother country might protest against that recognition; and it was equally clear, that the foreign power, while in a state of friendship with the mother country, had no right to give that aid to the colony, which was not recognition but support and encouragement. It might be difficult to state the point where the period of recognition should commence—where the recognition would not be connected with previous encouragement, and where to withhold it would be unjust. But, when that period arrived, it was not the state in which the mother country then stood that should influence the decision. It must rest on its own peculiar grounds, without taking into consideration whether the constitution of the mother country was a mitigated monarchy, as was the former constitution of Spain, or a monarchy of a more absolute and unlimited nature. The question, he repeated, must be decided on its own special merits, and with no reference to the constitutional changes which Spain herself had undergone. If they were prone to deal with others as others had dealt with them, there would be no necessity for so much caution and forbearance. They had only to look back to the loss of their own colonies in America, and they would see that others did not hesitate to deal with them in a manner very different from that which they had adopted. But, not to do precisely as we have been done by, but to do as we would be done by, was the true political as well as moral maxim [Hear, hear!].

The hon. and learned gentleman had observed, that if they were now to recognize the independence of South America, they would only be following the example which had been set in another quarter; alluding to the message of the President of the United States. In some of the principles laid down in that document, he entirely agreed; and he might be permitted to say, that, long before the message was sent forth, it was distinctly admitted, in the state papers of Great Britain, that the question between the mother country and the colonies was not a fit subject for foreign interference; but he did not agree in the principle, that the parent state had not a right, if she could, to recover her own colonial dominions. [Mr. Brougham motioned, that such a principle was not laid down.] In the paper to which the hon. and learned gentleman referred, there was a passage which many individuals construed in that way, and he certainly understood the hon. and learned gentleman so to have construed it. He was clearly of opinion, with the President of the United States, that no foreign state had a right to interfere, pending the dispute between the colonies and the mother country; but he was as strongly of opinion, that the mother country had a right to attempt to recover her colonies if she thought proper. At the same time, he was not blind to the difficulty of making such an effort with any prospect of success. Looking to the question in this point of view—and he thought it was the correct one—it appeared to him, that it would be unkind, unjust, unfair, and, he would add, ungenerous, if this country had not afforded an interval, to allow Spain an opportunity of selecting that course which appeared to be most beneficial for her colonial interests. He contended, that Great Britain would have acted unfairly and ungenerously, if, while Spain was convulsed by a dreadful struggle, while the whole force of the country was absorbed in a civil war (one of the parties in that war having called in a foreign army),—that Great Britain would, under such circumstances, have acted unfairly, if she had taken advantage of this untoward state of things, to make an inroad on the colonial possessions of her ally. Even if the time and opportunity had been wholly lost by the delay, still he must rejoice that they had been suffered to go by, and that nothing had been attempted to be done until Spain was as much in possession of herself, after the confusion into which she had been thrown, as it was possible for her to be. Even on that part of the speech from the throne, he thought the hon. and learned gentleman would bestow his approbation, if he calmly considered it. What was there stated? Ten months ago, in a paper laid on the table of that House, it was stated, that the situation of those independent states depended in a great measure, on external circumstances. Now, after a lapse of ten months, when Spain was restored to her power as substantially as she could be, under her peculiar circumstances, came this speech from the throne, which told the House, "that his majesty had reserved to himself an unfettered discretion of acting towards those colonies, as their circumstances and the interests of his own people might appear to require." The hon. and learned gentleman surely did not want his (Mr. C's.) interpretation of this passage: he knew the meaning of it to be, that his majesty had declined overtures for any joint consideration of this subject—that he had kept his discretion completely unfettered on a question in which he felt that the interests of his people were concerned—that he had entered into no compromise, and was perfectly at liberty to act "as the circumstances of those countries and the interests of England might require." What more could the country desire, under these circumstances, but that a question of such magnitude should be temperately and fairly considered? He would appeal to any man, however eager he might be for the accomplishment of his wish in this respect, whether they had not acted wisely towards themselves and generously towards Spain, in allowing this delay? Was it not just that a pause should be granted to the parent state, during which she might have the advantage of learning the sentiments of the different powers of Europe? Could any one doubt, that by allowing this pause, by suffering this subject to be temperately discussed, by giving an opportunity to Spain herself, perhaps, to acknowledge the independence of those states, they did not bestow a greater boon on the colonies themselves, than the immediate recognition of England would bestow on them? And, would not such a pause render any step which they might themselves hereafter take more proper and more efficient? Would it not appear to be such a step as might be justified both in the eyes of God and man, as the best and most prudent that could be adopted? Such, really, was the fact, precisely as he had stated it. A proposition had been made by the government of Spain to the government of this country, and an answer had been returned. That answer was on the road to Madrid; and after it had been disposed of, the time would arrive when government would be enabled to speak with more explicitness on the subject [Hear!].

He did apprehend with the hon. and learned gentleman, that of all the topics on which the speech from the throne touched, this was the most important. He might, perhaps, say, except one—on which, as the hon. and learned gentleman had not noticed it, he should also remain silent; as he had no wish to provoke unnecessary discussion. He believed that the subject of the South American colonies was so prominent in the minds, the feelings, and the wishes of the country, that he was perfectly justified in putting it forward as he had done, in the little with which he felt it necessary to trouble the House. As to the general question, with respect to the station in which this country stood towards Europe and the world, he would make a very few observations. He said, "Europe and the world;" and in using that phrase, he felt that it was perfectly applicable to the time in which they lived. When he spoke of Europe and the world, the phrase had reference to Europe and America—the old world and the new, the different interests of which must be nicely balanced by every person who wished to attain the character of a British statesman. He could not take to himself the praise which the hon. seconder, in addressing himself to this point, had conferred on the government; but he must, on the other hand, repel the blame which the hon. and learned gentleman had cast on his majesty's ministers, and contend, that England stood in as proud a situation to maintain her just rights—to maintain her own proper interests—that she was as much courted, as much respected, and that her opinion was as anxiously desired by other powers, as had ever been the case. He agreed, indeed, in the observation of the hon. and learned gentleman, that she was not now in the same state as she had been in some other periods of her history. But, why was this?

Because the whole state of the world had changed,—because (whether right or wrong, he would not inquire) there were now great preponderating powers which possessed within themselves more strength and resources than they could command in former times—more strength, perhaps, than ought properly to belong to them: but, as those elements were in being, they were compelled to deal with them, in proportion to their weight and importance in the general system. His majesty's ministers had been taunted for the patience with which they had viewed the conduct of those powers. They had been taunted on account of the internal abuses which existed in those countries; but he should be glad to know at what time it was customary to interfere in the internal regulations of foreign states? He would look back to the reign of king William or queen Anne, and he would ask, if an alliance were then made with the emperor of Germany or with the most despotic prince that ever sat on the throne, whether their ancestors would have criticised the conduct of those who had carried on the negotiation, because they had entered into a compact with the sovereign of a country, the constitution of which was different from their own? They could not alter the constitution of state. They could not make a new world, They could not form another world, "of one entire and perfect chrysolite." They must deal with the world as it was; they could not figure and fashion it to suit their own convenience. Was it policy, he would ask, to hold no communion except with states which possessed free constitutions. If it were so, then our alliances must be extremely narrowed indeed! If there were to be no alliance with those who were termed despots, would they ever have been able to have overthrown that colossus of despotism, before whose throne almost the whole world had bowed the knee? The hon. and learned member had stated, that things were going on in Austrian Italy which were sufficient to make one's blood curdle and run cold. He (Mr. C.) confessed he was ignorant of the particular transactions; but he believed he knew sufficient to direct his mind to the proceedings to which the hon. and learned member alluded. Trials for conspiracy, he understood, had taken place at Milan, convictions had followed, and sentences had been pronounced. The testimony might be false; the witnesses might have been perjured; the judges might be corrupt. He did not know that this was the case, but he would even assume it to have been so; and even if it had been so, did the hon. and learned gentleman mean to say that this country was therefore to break off all communication with Austria? What was to be done, he wished to know, with Austria, in the view of the hon. and learned gentleman? How was the gap which her absence would leave to be filled after we had lost her? Were we to abolish her as a power, or to take up arms against her, because her internal arrangements did not meet our approval. This was surely too absurd and extravagant a proposition to be listened to. Let us rather maintain all our external relations, and preserve our connection with the great powers of Europe, with reference to the *corpus imperii*, on broad and general principles of state policy, without examining too minutely into abuses which may exist in foreign governments, or into practices which our better government and happier institutions enable us to criticise with asperity, or denounce with abhorrence.

He believed, however, that the hon. and learned gentleman had been greatly misinformed in some of the circumstances to which he had adverted. He perfectly well knew, that about twenty of the chief persons concerned in the conspiracy at Milan, of whose guilt or innocence he did not pretend to offer any opinion, were convicted and condemned to death, upon their own confession; and he knew also, that the Emperor of Austria had extended to them his mercy, not without a struggle against the opinions of some of his advisers, who thought that the interests of the empire would be endangered by that extension of mercy. As to the particular statement made by the hon. and learned gentleman, with respect to the relation of one of the culprits, he could say, with all sincerity, that he was ignorant of the transaction to which he alluded; but, if the hon. and learned gentleman imputed to the Austrian government any undue severity, in the administration of the law on that occasion, he conscientiously believed that he was mistaken. The hon. and learned gentleman had proceeded to allude to other malpractices which existed in the Austrian government, and to comment with much severity on imprisonments, and dungeons, and on the cruelty of extorting confessions; but the hon. and learned gentleman did not seem to be aware, that by the law in that country, sentence could not be executed on a criminal unless he confessed his guilt. To us this might seem a very absurd law, as it was constantly the practice in this country to hang criminals who died protesting their innocence, and we did not think confession necessary; yet, on the first statement of the law, as it existed in Austria, it could not be denied, that it seems to be rather a humane provision than otherwise. He believed it to be an absurd provision; because the confession must either be unfairly extorted, or if the proof was sufficient without such confession, it was unnecessary. He did not, however, think it was quite fair to state the fact, that these persons were goaded on to confession, without also stating the fact, that by the Austrian law, sentence could not be executed on a criminal without such a confession. He did not wish to be considered as advocating the expediency of such a provision. He did not deem it a part of his duty to vindicate the laws of a particular state, with which we were politically connected. He did not feel it to be his duty to make himself master of the details of a particular trial, which might have taken place in that state. But, if other nations were to judge of us, as the hon. and learned gentleman was now judging of the Emperor of Austria, with what barbarity and coarseness of feeling might they not charge us, when they referred to what they had all witnessed, with so much disgust, during the last three months? He alluded to the recent trial and execution at Hertford. What imputations might not be cast on the national character, if they judged of us as critically as the hon. and learned gentleman was now judging of the Emperor of Austria, when they read the eulogiums which had been published in this country on a hardened, unconfessing, convicted murderer? Would it be fair to make use of this transaction, as an argument to impeach the national character of this country? What would the hon. and learned gentleman think, if as a *pendant* to the picture which he had drawn of the trials at Milan, the transactions at Hertford were to be critically commented upon in a foreign assembly, and converted into an argument against the character of the British people? Such an argument would be quite as fair, and quite as much to the purpose, as the argument which had been employed by the hon. and learned gentleman.

The next point to which he would advert, and he should do it in a word, was the observation of the hon. and learned member upon his question last session, on the subject of Switzerland. The answer which he had given to the hon. and learned gentleman's question, he had given at the time, in perfect sincerity; and when the hon. and learned gentleman said, that he ought to have been better informed, by so well paid a mission, upon the subject, that argument certainly did not apply *ad hominem*, whatever other merits it might lay claim to. If the quantity of information derived, was to depend upon the payment of the mission, he, upon that principle, ought not to have been informed, for he had reduced the costs of the mission by one-half [a laugh]. In point of fact, however, he had not been informed in the slightest degree as to the reports in question, when he had given his answer to that effect, to the hon. and learned gentleman, and it was only on going to his office, about a quarter of an hour after, that he had found the same detail of facts upon his table, which the hon. and learned gentleman had opened in his speech, coming, perhaps, from the very same source from which they had come to the hon. and learned gentleman. As to the reports of an Austrian prince having been in view at any time for Switzerland, he believed there was not a shadow of a foundation for the story. For the charge of harbouring conspirators, and the remonstrances, he would only thus much, that if the accusations had been true, the remonstrances were justifiable. But he believed, that both the hon. and learned gentleman and himself, had been misled in what that statement of facts, as it was called, contained; and that a great part of the stories circulated abroad had been founded upon the solicitations of ill-disposed persons in Switzerland herself, who desired—and there were some whom he knew to be capable of such a purpose,—who desired to bring the great powers of Europe upon their country; because they themselves, in the objects of some particular faction, had been defeated. The more he reflected upon the subject, the more he was convinced that such had been the fact; and as to the Austrian prince, he believed such an idea had never existed but in the brain of the drawer up of those state papers, which had furnished him with his information as well as the hon. and learned gentleman opposite; and had, in fact, teased every court in Europe which would take the trouble to look at the writer's lucubrations. With respect to Germany herself, as regarded those circumstances upon which the hon. and learned gentleman had commented, he certainly could hardly conceive a more inconvenient arrangement, than that power of the German diet to interfere with all the states of which Germany was composed. But, the independent state (Wurtemberg) to which the hon. and learned gentleman alluded, this independent state which had been interfered with, was part, let it be recollected, of the German federation. He himself thought the principle was bad; but it was not fair to call an application of it a flagrant outrage. The power in question might, or might not, have been exercised improperly as regarded a particular state; but still it was the law. And, even under any circumstances, was it to be said, that, wherever there had been an improper interference with a paragraph in a newspaper, we, England, were to blot out of the map of that state, Europe, and to say we would have no alliance with it? The hon. and learned gentleman must give up the old world, and look only to the new, if he meant to establish any such a principle. He knew that it was maintained by some, that England ought to set herself up as a barrier for all Europe, against principles of a despotic tendency; but he could not be persuaded, that it was the policy of England to do lightly any act which might plunge herself and all Europe into a bloody and unceasing war. Of all the wars—and unhappily we had experienced but too many varieties of them—of all the wars which we had seen, and which had brought desolation in their train, the wars of opinion had been decidedly the most fatal; and a single spark flashing unhappily from the hasty zeal of England, might light up a conflagration on the continent, which no after-exertions could extinguish; might lead to a contest of opinions and principles, which would divide all the nations of Europe, and only terminate, probably, with the total destruction of one of the contending factions. Was this, then, an object for England to aim at? Was this to be laid down as the intent by which ministers were to regulate their conduct? Or might they be allowed to say, that their object was peace; be the component parts of that peace more or less perfect? To see England moving steadily on in her own orbit, without looking too nicely to the conduct of the powers in alliance with her: to see her content with her own glory, and by that glory exciting other nations to arrive at the same advantages which her peculiar system had bestowed upon her; but not, by a wild crusade, or endeavour, to force those advantages upon free countries, converting blessings into curses as respected them, and courting danger and difficulty as regarded herself? It was this course which he took to be the true policy of England. It was with this view to peace, while peace might be maintained, that his Majesty's government had acted, and were prepared to act. But it did not follow, because they forbore to seek for difference, that when it came, it would not find them on the alert; or that the strength which had slumbered would be the less effective when called into action.

He did not know that, in what had fallen from the hon. and learned gentleman opposite, there were any other points, on which he needed to detain the House; but he would just say a very few words, with reference to those observations respecting Ireland, which had been made by the hon. seconder of the address, at the conclusion of his speech. With regard to Ireland, he wished it to be understood, that his sentiments were what they had ever been. He retained all his old opinions with respect to that great question; and fully believed, that sooner or later, those opinions would make their way in that House; but he differed from the opinions which had been laid down by the hon. and learned gentleman opposite. There was no word, which, in parliamentary oratory, was more bandied about than the word "inconsistency;" and, in general, the person who charged another with that offence, did not measure the consistency of the accused by his own, but by some arbitrary standard that he had chosen to set up. Now, it might be an absurd opinion to hold, that in the present state of public feeling in England, the Catholic concession could not (to use the common *parlance*) be carried as a "government" question, and that the public men of the country did not afford the materials for an administration, united upon that point, and upon other questions of paramount importance. But, if that opinion of his was absurd, it was not an opinion of the present day; it was the opinion which he had always expressed in that house; and "inconsistency," as he took it, was the differing, not from others, but from one's self. The hon. and learned gentleman, however, on the opposite bench, and another individual in another place, had thought it expedient to charge him with inconsistency in his conduct, with respect to the catholic question; and, by rather a whimsical choice, they had both laid hold of that particular period of his public life, in which he had enjoyed the best opportunity for showing what his sentiments upon that question really were. It was said of him, that in the year 1812, he had been willing to become part of an administration, which was to consist of the marquis Wellesley and himself, and other gentlemen on the same side of the House; that that administration would have been an administration united upon the Catholic question; and that therefore it was inconsistency for him to act with any government otherwise constituted. Now, whoever might be the historian that had referred to this passage of his (Mr. C's) life, he had looked, by some accident, at only part of the transaction. If he had examined one side of the page as carefully as he had the other, he would have found (continued the right hon. Secretary) "that, in the year 1812, when his royal highness the Prince Regent was graciously pleased to instruct the marquis Wellesley and myself to form a government, the stipulation of marquis Wellesley had been, that he should make proposals to some of the gentlemen on the opposite side, and my stipulation—what was it? Was it to exclude the Protestant faction, as it is called, altogether? No; but it was that I should be at liberty to make similar proposals to lord Liverpool, which, accordingly, I did." Such, then, had been his (the right hon. secretary's) expression of his opinions; not when he had been called upon to join a government, but to form one. It was true, that lord Liverpool and his friends had declined taking office with that government; and also that he himself had not thought it necessary, upon that refusal, to give the thing up altogether: but his choice had been a government composed of mixed elements; and his opinion was still, that if the Catholic question was to be carried, it would be carried by an administration which made it, not a government question, but a general one. He did still hope that the prejudices of Englishmen might in time be reasoned down; and that in time the Catholic question might find that support in the country, which, he was sorry to say, he did not think it found at present. But, by whatever hand, or at whatever period, that question should be brought forward, it would receive from him, whether in or out of office, the best support which he was able to give it. But it would still find him believing, that nothing was to be gained by attempting to carry the point in the way of a government question; and that (if that were necessary) there did not, moreover, exist materials at the present moment, sufficient to form an administration concurring upon that subject, and upon others also on which it would be necessary for them to agree.

He had said, and he meant to keep his word, that he would not travel into any part of the Speech from the throne, which had not been touched upon by the hon. and learned gentleman. There was one most important point in it, which he should therefore leave at rest, feeling that it was not because its value was underrated, that it had for the present been passed over by the gentlemen on the other side. The speech of the hon. and learned member opposite, had gone chiefly to matters of foreign policy; and he had endeavoured to explain to the House, the course which, upon that head, Government had pursued. The Speech from the throne contained an account by ministers of their stewardship, and of the policy which they had pursued, since the House had last met; and if, upon that statement, they did not come forward to challenge approbation, at least, they were prepared to meet criticism without dread or apprehension.

Mr. *Bright* protested against being understood to concur in the system of policy which had been adopted with respect to our West-India Colonies.

Mr. *Canning* said, that the language of the Speech from the Throne was, of course, to be understood as comprehending the sentiments of ministers on that subject, and that the whole question would be open to discussion at a future opportunity.

Mr. Secretary *Peel* said, that as the hon. and learned gentleman opposite had inferred, from a part of the Speech from the Throne, that measures were recommended introductory to the admission of the Catholic claims, he was anxious not to be misunderstood on a question of so much importance. As his right hon. friend had taken an opportunity of expressing the opinions which he was known to maintain on that subject, and his intention and perseverance in them; he (Mr. P.) trusted that he might also be permitted to take the same opportunity of repeating the determination, which he had so often expressed in that House, of opposing those claims, whenever they might be brought under the consideration of Parliament.

Mr. *Hume* expressed his regret at hearing the observations which had fallen from the right hon. Secretary opposite, with respect to that unfortunate country, Ireland. He had, in effect, declared, that the same ruinous system of policy which had so long distracted, and divided Ireland, was still to be persisted in. This was a lamentable declaration, on the part of ministers, in whom that House was called upon to place its confidence. He complained that there was no distinct statement in the Speech from the Throne as to what taxes were to be taken off, and what amount of relief was to be afforded to the country. The Speech was as lame in its composition, as it was possible for any public document to be. They were told, that arrangements had been made for that purpose, but there was no mention of any thing to lead them to conjecture what class would have the immediate advantage of the intended relief. The fears of the country ought to be instantly assuaged by the Chancellor of the Exchequer, by stating what taxes would be taken off. Not a moment should be lost in giving the House and the country proper satisfaction upon this part of the Speech. His object in rising was merely to protest against its being understood, that because they were silent, they felt no disapprobation whatever.

The *Chancellor of the Exchequer* said, that it was his intention at a very early period of the session, to lay before the House the view which his majesty's ministers had taken of the state of the finances, and of the course of measures which they thought it advisable to adopt for the future. He therefore thought, that under these circumstances, neither the hon. gentleman, nor the House would consider that he was wanting in proper respect, if he declined entering at present into any specific statement of the measures which it was his intention so shortly to submit, and which he trusted would prove satisfactory both to the House and the country.

The Address was agreed to *nem. con.*

HOUSE OF COMMONS.

Wednesday, February 4.

VAGRANT ACT.] Mr. *Littleton* said, that he was requested by his hon. friend, the member for Stafford (Mr. Chetwynd), to move for certain papers which were intended to show what had been the operation of the Vagrant act, which had been passed last session. That act had been the object of much clamour, which arose from the said act having been misunderstood. By obtaining the passing of that act, his hon. friend had saved the counties of England and Wales the sum of 100,000*l.* annually, which had been heretofore expended in passing vagrants from one part of the country to another. To his hon. friend also belonged the credit of having consolidated about fifty acts relative to vagrancy into one act. When the subject should be discussed, he believed it would be found that the clamour to which he had alluded had been excited, not so much by the law, as by the indiscretion of some magistrates who had administered it. He then moved for a return of the number of persons committed under the vagrant laws to the respective prisons in England and Wales, specifying the particular act of vagrancy for which each person was committed, from the 1st Jan. 1820, to the 1st Jan. 1824; likewise for a return of the sums of money paid by the treasurers of counties in England and Wales, for the passing of vagrants, from the 1st Jan. 1820, to the 1st Jan. 1824.—Ordered.

ADDRESS ON THE KING'S SPEECH AT THE OPENING OF THE SESSION.] Mr. Rowland Hill having brought up the report of the Address in answer to the King's Speech,

Mr. *Hobhouse* said, that with respect to that most important part of the Speech from the Throne which related to foreign affairs, he rose to protest against it being supposed that he, as an independent member of parliament, had concurred in the least degree in the Address. If he could have agreed to that address, he would have considered that he had disgraced himself—he would consider himself unworthy the constituents he had the honour to represent—he would consider himself unmindful of the renown of their ancestors. He had two questions to put to the right hon. gentleman opposite. He had attended with the utmost anxiety to the speech of the right hon. gentleman; all Europe, indeed, was attending to what he said; conscious that, on his words depended, in some degree, their very fate. The point to which he would, in the first place, direct himself to the right hon. gentleman, was with respect to South America. The right hon. gentleman, in the course of his speech had touched on that important point so lightly, as not to satisfy any person who had heard him, save his own colleagues, who perhaps felt the policy or the convenience of having the thing kept secret. The right hon. gentleman had said, "that he considered it a matter of grace and favour to Old Spain that she should be allowed the opportunity of attempting to recover the possession of her colonies in South America. He certainly agreed with the right hon. gentleman, that Spain of herself should have the right of recovering her colonies if she could exercise it—if the king of Spain were master of the resources of his country—were master of his capital—were master of his crown—of none of which he considered him master—he might, under such circumstances, be allowed, without any interference on the part of any other state, to attempt to recover his trans-atlantic possessions. But, when 70,000 French troops were stationed in Spain—when every port of any consequence from Gibraltar to Cadiz was in the hands of the French—when every fortress was in their possession—he would ask the right hon. gentleman, whether it was not a farce to talk of the Spanish government at all? He hoped the right hon. gentleman did not mean to say, that because at the present moment there was no movement in Spain—because the constitutional party was put down, and the expression of freedom was for a moment suppressed, that, therefore the king of Spain was free. The contrary was obvious to every body. If he were a prisoner in the hands of the Cortes, how much more so was he now? He was hemmed round with foreign bayonets; and every body who was acquainted with the state of Spain, knew, that if the French army were to withdraw from that country to-morrow, the unfortunate king—unfortunate he meant, only with respect to his bad character, and his loss of all possible respect—would be driven from his throne. Under these circumstances, without wishing to extract from the right hon. gentleman any secrets, which he might not feel himself at liberty to disclose, he would yet ask him, and he conceived that the right hon. gentleman was bound to give a decisive and satisfactory answer, whether the nominal king of Spain would be allowed by this country to seek to recover his trans-atlantic possessions, whilst French troops remained in possession of Spain? The House had heard a great deal during the last session from the right hon. gentleman, disclaiming and denouncing the idea, that French troops should be permitted to occupy Spain. State papers to that effect had also been published; yet the right hon. gentleman, now that the French troops actually did occupy that country, did not say one word on the subject; he did not intimate that he had even asked the French minister, viscount Chateaubriand, how long it was the intention of France to keep possession of that country. Of 100,000 who had marched to invade Spain, 70,000 were left behind: that army occupied the capital, and every position of the slightest importance. It certainly was a matter of great importance to ascertain whether the French troops were to remain in the permanent occupation of Spain. The right hon. gentleman, although he had not imparted any information to the House on that most interesting subject, had nevertheless, he hoped, not overlooked it. He hoped, too, that the right hon. gentleman, as an English minister, would take care to have better assurances on that head, than the word of the French minister, or even of the French king—that king, who had pledged his sacred word and honour, that the army, which was called the Army of Occupation, should never be suffered to cross the Pyrenees to act offensively against Spain [Hear, hear!]. After the scandalous violation of that solemn pledge—after the open breach of faith and honour—after the commission of a palpable and downright falsehood, such as would have covered any gentleman in private life with shame, little, if any reliance was to be placed on the word of that king, or of his minister Chateaubriand, however solemnly and gravely pledged.—The next point to which he would wish to call the attention of the right hon. gentleman, related to a proclamation issued by sir Thomas Maitland, Lord High Commissioner of the Ionian Islands. Now, considering the importance of this personage, and the many titles which in regular gradation were attached to his name, it was really a matter almost difficult of belief, that he could have published a document such as that to which he was now alluding. It was a document which one would be almost disposed to think was written in a drunken frolic, bearing about it nothing but signs of intemperance and folly. His excellency had thought proper, by that proclamation, on account of something which had occurred, and which he had not distinctly stated, to put two islands under a quarantine of thirty days; but he had done worse, he had taken occasion in that proclamation to thunder forth his anamethas against men who were struggling for freedom—who were fighting for that which even sir Thomas Maitland might be supposed to have some respect for [Hear, hear!]. The proclamation complained, that some Greek vessels, under the command of a person, who called himself prince Maurocordato, had committed a flagrant violation of territory, and to prevent the government of the Ionian Islands from being in any manner accountable for the terrible slaughters and atrocities which on that occasion, and on many others, had marked the conduct of the persons engaged in the war, the measure of quarantine had been resorted to. He (Mr. H.) considered that as a direct attack upon the Greeks; it was a most uncalled-for attack, and he would wish to know, whether his majesty's government at home had received that proclamation, and whether such a measure was authorised or approved of by them? He had received a letter very recently from Ithaca on the subject, and from that letter, it appeared, that the flagrant violation of territory to which the proclamation alluded, was caused, not by the Greek chief, but by the conduct of the Turks. Prince Maurocordato, of whom sir T. Maitland thought fit to speak in so slight and so insulting a tone, had done every thing he could on the occasion to restrain his men, and had made, and was willing to make, every possible apology to the government of Great Britain. The facts of the case were these:—a Greek squadron had taken a vessel belonging to the Turks: whilst the Greeks were in the act of boarding, they were fired upon by a detachment of Turks from the shore at Ithaca: the Greeks upon this landed, and in fair fight put a number of their assailants to death. That was the whole of the case; that was the violation which sir T. Maitland so vehemently condemned; taking care at the same time to pass over in perfect silence various infractions of the violation of territory committed by the Turks. The hon. gentleman concluded by saying, that in stating, the matter, as it came under his immediate observation, to the House, he did not mean, in any possible way, to throw blame upon the government at home: he did not mean to say, that they in deed or in thought had sanctioned this extraordinary act; and he trusted that they would show that they did not participate—that they did not approve of the denunciation of sir T. Maitland; because a denunciation of that public nature, if suffered to go abroad uncontradicted, might be of the most serious injury to the cause of the Greeks at this most interesting period of their fate. He had the original Italian proclamation in his hand, and was ready to present it to the right hon. secretary.

Mr. Secretary *Canning* said, that he should feel happy to give to the hon. gentleman who had just sat down, or to any member of that House, every information in his power to give, which he could with safety disclose. He should confine himself simply to the questions put by the hon. member: and, first, with respect to the independence of South America, the hon. gentleman complained, that he had not last night entered more minutely into details; and here he must say, that the hon. gentleman seemed to have confounded a statement of principles with a statement of facts. The part of his speech to which the hon. gentleman alluded, had been in reply to that part of the speech of the hon. and learned member which related to South America. What he had said last night respecting the relative international situation of a mother country and her colonies was this—that in principle, a mother country had a right, if she thought she had the power, to endeavour to recover possession of any colonies, which had, by any effort of their own, thrown off her dominion; and that no other country in amity with her, would, upon the naked principle, be justified in intercepting her efforts, or interfering, in the first instance, to endeavour to prevent them. She had a right, *bonâ fide*, to a resumption of her colonial possessions, if she were in a condition to reclaim them, and it would not be correct in a friendly power to prevent her. When he said correct, he meant upon the strict principle of the law of nations, for circumstances might render it correct to go to war, and the interference, in the first instance, might be deemed a declaration of war. This was the abstract principle he had stated, and which he maintained; otherwise they would be avowedly interfering with a legitimate right not abjured by the mother country, and would be aiding the governed against the governor. The hon. gentleman had gone on to put certain possible violations of neutrality. Now, he would not follow the hon. gentleman by arguing upon assumed probabilities, or possibilities, which might demand a departure from the abstract principle he had laid down; but he would most distinctly state, that Spain, that Europe, knew most unequivocally, that whilst England admitted the right of Spain to recover her late American possessions, she denied the right of any foreign power to interfere in aid of the mother country in the attempt [Hear, hear!]. With respect to the ultimate intentions of France, with regard to the military occupation of Spain, he felt a difficulty in satisfying the hon. gentleman, in consequence of his observation, that the British government ought not to give credence to the declarations of the French king, or of his minister; for he knew not how to satisfy the hon. gentleman if he refused him access to the official channels of communication which the government had always maintained with the other powers in amity with them. But, if the hon. gentleman would permit him to resort to the regular information of his office, he could inform him in reply, that the government had the most positive assurances from the court of France, that they did not contemplate the permanent occupation of Spain. He gave credit to those assurances, and would continue to do so, notwithstanding the doubt which the hon. gentleman had cast upon them. And when he stated this, he begged also to say, that he retained all the sentiments he had last year expressed, respecting the French aggression upon Spain; but, whilst he retained those sentiments, he must be permitted to add, that, the vice of the aggression apart, the conduct of the French armies (always separating their conduct from the principle of their entrance) was as unexceptionable as it could possibly have been, under any circumstances of military conflict. He doubted whether history furnished a similar example of the discipline of a foreign army engaged in the invasion of another state; or rather, as in this instance, called in by invitation, to assist a predominating party in putting down a rival faction. He hoped he had said enough to explain the principle he had laid down respecting Spain and her colonies: he denied the right of England to interfere: he equally denied the right of any other power to interfere in the contest. How far a species of connivance to blind the plain meaning of his principle might hereafter be set up by one power or another, he could not say, and he would not now argue. He wished to be judged solely upon the principle, according to its plain and fair construction, and that he thought enough to argue on the present occasion. As to the hon. gentleman's second question, he had only to repeat, with the same confidence he had stated it last year, that he apprehended there was no danger of the permanent occupation of Spain by France. If a question were put to him, how long the duration of that occupancy would continue, he should reply, that that was an event so entirely dependent upon circumstances, as to render it impossible for him to give an immediate answer; but there was one question to which he was ready at the moment to give an explicit answer. If he were asked, Ought the French army to evacuate Spain tomorrow?—as a friend to humanity, he must say no. With respect to the affairs of Greece, he believed he was in possession of the requisite information upon that subject. He had not at present, although he had received the document, an exact impression upon his memory of the facts of the outrage to which sir Thomas Maitland's proclamation referred; but he believed them to be these: A small Greek squadron had pursued some Turkish vessels into the harbour of Ithaca, where the crews of one of the latter landed; they were pursued ashore by the Greeks, who butchered, in cold blood, 90 out of 120 Turks, of whom the crew was composed. This scene occurred on an island guarded by British neutrality; and he left it to the House—he left it even to the hon. member—to say, whether the government of the Ionian Isles could possibly pass over in silence a transaction of that description. He had only, in conclusion, to say, that his majesty's government, at home and abroad, had endeavoured, under all circumstances, to act between the contending parties with an even and impartial hand, ever since its neutrality had been declared. That outrages on both sides had been committed was as clear as it was to be lamented; but not the smallest desire had been evinced by the British authorities, to incline the balance either to one side or the other.

Mr. *Western* expressed his surprise at the declaration of the right hon. gentleman, that, if he were asked, whether the French army ought to evacuate Spain tomorrow, his answer would be no. Such a declaration opened the door to other powers to prolong the continuance of a daring aggression upon the rights of an independent state, according to their notions of the indefinite duration of motives of humanity. It was his intention, last evening, to have moved an amendment to the address, had not his hon. and learned friend (Mr. Brougham) anticipated what he had to say, in the able and eloquent speech which he had made on the occasion. He was decidedly opposed to the policy of the present cabinet respecting our foreign relations, founded as it was upon a determination to preserve peace at all events. He appreciated the value of peace as much as any man could do; but still he could not go the length of the right hon. secretary, in looking calmly upon aggressions like that of France against Spain, and in considering the infringement of the right of an independent nation to regulate its own concerns, as a matter of little importance to the interest and security of the British empire. Such an interference with the internal policy of an independent state, as it had been our misfortune recently to witness, would have called forth the strong reprobation and decided opposition of our sturdy ancestors; and he, for one could see no reason why we should abandon the heroic policy which they had bravely pursued at every hazard, in various periods of our history. The principles which the Holy Alliance had avowed on different occasions, and particularly in the state papers which they had sent forth from Laybach, had opened the eyes of every man in the country, except his majesty's ministers, to the infamous nature of their designs. It would be in the recollection of the House, that when the hon. member for Yorkshire had moved for the production of those papers, lord Castlereagh had objected to the motion, on the ground, that the papers in question contained nothing more than a promulgation of principles on which there was no intention of acting, and the motion was in consequence negatived. The House had, however, recently seen the principles then promulgated carried into practice; and, what was more important, had seen them carried into practice, without any attempt at resistance from the British government. He should not press this point any farther at present: he merely mentioned it, that it might not be supposed that he concurred in the approbation which had been bestowed on the policy of the present cabinet. He could not describe the painful mixture of surprise and indignation by which he was affected, when he had heard the right hon. secretary declare last night, that we ought not to interfere, even if the minor states were going to be annihilated. He agreed with him fully, when he said that it would be Quixotic in us to become the champion of all the minor states upon every case of grievance which they had to adduce; but it was one thing to become their champion, and another to remonstrate against manifest injuries which were inflicted upon them. To uphold the cause of the weak against the strong, to watch over the relative interests of the different states of Europe, and to hold the balance of power between them with an impartial hand, was formerly the distinguishing pride and policy of Great Britain; and he trusted that we should soon return to it, notwithstanding the temporary aberration we had made from sound principles, under the guidance of the present cabinet.

Colonel *Palmer* said, that he rose under the strongest feelings of shame and indignation, to protest against the conduct of his majesty's government: he had not opposed the address against the general sense of the House, but being convinced that not only Europe, but the world at large, had never yet been reduced to such a state of actual and prospective misery as at the present moment, and that such state was to be imputed solely to the conduct of the British government, he considered it to be a duty to his country, as a member of that House, to declare his opinion upon the subject. If it were true, as the ministers had told them, both in and out of parliament, and more especially in a late speech of the right hon. secretary, that the country had been so long prepared for war, they had sacrificed its honour and most vital interests, by suffering France to conquer Spain: if it were false, they had equally betrayed their duty, by deceiving the country to support the system of their government. But, whatever the real state of the nation, the conduct of his majesty's ministers towards Spain had been wholly indefensible; as, looking to the avowed intentions of France and the Holy Alliance, neutrality on the part of England was impossible, and could not be maintained: for what had been the late measure of the ministers in sending consuls to South America, but an act of hostility to those powers, which, if not resented, would be a further proof, if any were wanting, that if England had acted with firmness at the Congress, and declared herself the ally of Spain, France would not have dared to invade her? If, on the other hand, after abandoning Spain, the country was to be involved in war for the independence of her colonies, what excuse could be made for the ministers, who might have secured the liberties of both at a less expence to the nation, than had already been incurred by the active measures to which their crooked and inconsistent policy at last compelled them? The ministers in the last session, to cool the ardour of the people in the cause of Spain, had declared, that any interference in her behalf would involve all the expences of the former contest. But he (colonel Palmer) had then stated to the right hon. gentleman, what he now repeated, that no such expence was necessary: all that honour and policy required of England was, to render Spain the assistance which her means afforded; and those means were more than adequate to the object; for to have sent but half the force of our naval peace establishment, lying ready in our ports, to the defence of Cadiz, would have prevented all the disasters to the cause of Spanish liberty, which the consummate folly or treachery of the British government necessarily led to. Yet this straight and prudent policy, which every consideration for the honour and interests of the nation demanded, had been termed Quixotism by the right hon. gentleman. Would that his conduct, as minister, could have borne the same comparison! but, unfortunately, it had betrayed all the insanity of the character, without a spark of that chivalrous feeling, which, however romantic in its origin, or thankless in the end to the mind of the right hon. gentleman, was, in his (col. P's) opinion, the best foundation of a great or good name, either for states or individuals. The right hon. gentleman, too, in his late speech, further to mark the distinction between his Quixotic opponents and himself, had openly declared, as the minister of England, that in the conduct of political affairs, the grand object of his contemplation was the interest of his own country. And what had been the result of this most wise and liberal policy, but to combine the whole world against her? For, where was the nation wherein, both with the government and people, the name of England was not justly held in detestation? She was necessarily hated by all the governments of Europe, as the only nation wherein that liberty of the press existed, which, if not destroyed itself, must eventually destroy their tyranny; and she was equally hated by all other nations, because, in every instance of a struggle for liberty, whether in France, since the commencement of her revolution, or latterly in South America, in Greece, in Italy, or in Spain, the British government had invariably opposed it. Thus England, through the system of its ministers, was the enemy of the whole human race; and, whilst the right hon. gentleman had been exhibiting himself about the kingdom, trumpeting in all directions the praises of himself and colleagues, there was not a nation but abhorred them, nor a power in Europe that was not pledged to destroy the liberties of the country committed to their hands. And, after all his fine speeches, what, in fact, had been the measures of the right hon. gentleman to oppose France and the Holy Alliance up to the total destruction of Spanish liberty by the fall of Cadiz? Nothing whatever, but intemperate abuse of their conduct, and a positive declaration of strict neutrality. This was not a Quixotism certainly; nor did he know a parallel to such conduct in history or romance. The only resemblance he could find to it was in the case of the late atrocious murder, wherein the Holy Alliance was the bold villain who went straight to his purpose, whilst the right hon. gentleman was the humane and consistent accomplice, who, after furnishing the rope and sack, resolved, "come what may," to have no share in the transaction; for precisely with the same feelings that this miscreant had hung back whilst the deed was perpetrating, so the ministers of England, who had gone hand-in-hand with their accomplices in their plot against liberty for the last thirty years, now stood aloof, whilst their victim was expiring under the blows of its assassins. As to their accomplices, compared with themselves, they were honourable, upright characters; for their conduct had been consistent throughout; and whilst he detested their policy, in justice to their private characters, and what he believed and knew upon the subject, he could not agree in all the odium cast on persons, to whom every allowance was to be made for those prejudices and impressions which, however hostile to the liberties of mankind, were inseparable from human nature, and would be felt equally by others, under similar circumstances. For the same reason he could excuse the ministers of those despotic powers, who were, in fact, their slaves; but he could find no excuse for the ministers of England, who were not the slaves, but the tyrants of the Crown and people, and of all others the most base and cruel that ever infested the earth. Even the king of Spain, madman or monster as he was, had been less base and inhuman; for his conduct had been consistent with the feeling of bigotry and divine right; but, where had been the consistency or the humanity of ministers? For at once to have declared against Spain would have prevented a struggle equally disgraceful and deplorable in its consequences to the victors and the vanquished. But, what had been the refined policy of England's minister, and of that heart which, by its own account, beat so high for the interests of humanity, but to create this confusion of horrors in Spain by the means of a treacherous neutrality; and, having so far succeeded, it was now to perpetuate the miseries of that wretched country, to prevent France from reaping the fruits of her victory. So much for the humanity of the right hon. gentleman; and as to consistency, let him reconcile his prayers for the Spanish constitution, and his contemptuous answer to the Regency, with his subsequent congratulations to Ferdinand on his success, and the treatment of the patriots who sought for refuge in Gibraltar. When he had answered this charge of apostacy from radicalism to divine right, let him answer the charge of ultra-apostacy from divine right back to radicalism, in now declaring for the patriots of South America, in the teeth of the Foreign Enlistment bill, expressly enacted against them. And now as to the real situation of the country, he remembered that long since, upon a question of the same nature in that House, it had been told by an hon. and leading member of the landed interest, that "it was time to speak out, and look the danger in the face." If that had been his opinion then, what did he think now? when during eight years of a peace establishment, no reduction whatever had been made of the burthen of the public debt; when, in spite of all the retrenchment which, session after session, had been forced upon the ministers, the load of taxation still pressed too heavily upon all classes to admit of any increase; when, such was our state of real weakness, that the ministers, who in the last war expended millions upon millions to deliver Spain from the power of France, now suffered her to fall without even an attempt to save her: when France herself, whom so lately in conjunction with our allies, we had humbled to the dust, was now again on foot, more great, more powerful, and more inveterately our enemy than ever; and lastly, when these same allies, who first combined with us against her liberties, were now combined with France against the liberties of England—and the storm so long gathering around, was now at last ready at any moment to burst upon its head;—if, in such a state of things, so humble an individual as himself might venture to speak out, and look the danger in the face, the hon. member believed he could state the cause, and the only means to remove it; but he should no longer trespass on the House on the present occasion, but reserve for a future opportunity the delivery of his sentiments on that subject.

Mr. *Hume* said, that he merely rose for the purpose of preventing a misconception from prevailing with the public, in consequence of what had fallen that evening from the right hon. secretary. He had himself received information from the Ionian Islands, fully corroborating that which had just been stated to the House by the hon. member for Westminster. A letter, which he had received from Ithaca, led him to believe, that the statement of the right hon. secretary was far from correct; for, instead of the Greeks firing first upon the Turks, the fact was, that the Turks had first fired upon the Greeks from the shore. The objection to the Proclamation of sir T. Maitland was, that it held up the Greeks, not merely as the first, but as the only violators. In the course of the hostilities between the Turks and their noble and gallant adversaries, many atrocities had undoubtedly been committed on both sides; but they did not begin with the Greeks, but with their enemies. No man in England had at one time been a warmer friend to revolutionary principles than sir T. Maitland, and all that he (Mr. Hume) wished was, that he should hold the balance evenly, and not allow it to incline to the stronger side. He felt persuaded that it was the desire of ministers that the neutrality should be equally observed towards both the contending parties. He knew that the Greek government had with the utmost readiness, stated their anxiety to make amends for every violation of that neutrality which had been alluded to; and certainly they could not do more. He most sincerely wished, in justice to those brave men who were now gallantly struggling for their freedom that sir Thomas Maitland had not issued his proclamation, until all the facts of the case had been regularly laid before the government. In conclusion, he felt it to be his duty to protest against the partiality which the Ionian Government had shown, in opposition to the cause of genuine freedom.

Sir *T. Lethbridge* said, he should not have addressed the House on the present occasion, had it not been for the allusion which had been made by the hon. colonel to an expression which he had used in the course of the preceding session. He was well aware of the observation he had then made, when speaking of the situation of the landed interest. He certainly had said, that he considered it the wisest course if the country were in danger, to look that danger in the face, and to meet it resolutely and manfully. He had felt as strongly as any person in the House or out of it could feel, the severe distress that pressed on the landed interest; and he was happy to find, that a great change for the better had taken place in the situation of that important class of society. He entirely approved of what was said in the Speech from the throne on that subject. It was pleasing to him to observe that a considerable amendment had taken place in the state of agriculture. He hoped, and he believed there was every reason to suppose, that that great interest was not improving by mere accident, or through the agency of temporary circumstances; but that it was advancing in prosperity, in consequence of causes that would give permanency to that prosperity. With respect to our situation as it regarded our foreign relations, he must say, that he thought this country stood high in the opinion of Europe, and of every other part of the world. Instead of the British character being detested (as his hon. friend had rather strongly stated) by the other nations of Europe, and by the world in general, he must contend, that at no former period did the character of Great Britain stand on higher or more enviable ground. As to the affairs of Spain, he should have considered it a most fatal determination of this country, if she had interfered with the Spanish cause; and he thought the result of the policy pursued by England had been most fortunate for Spain and for this country. The line of conduct pursued by ministers had been the best for England, as well as for the parties concerned in the contest; and however strong the feeling of a party in this country (he believed a very small one) might be for war, he conceived that it was the duty of the representatives of the people to give to ministers all the support in their power, when they saw them exercising their functions, in that prudent manner which had conferred such signal advantages on the country. He cordially approved of the Address, in answer to the Speech from the throne.

Mr. *W. Smith* said, he could not let this opportunity pass without expressing his most anxious hope and wish, that no negotiation for the termination of the differences between Russia and the Porte might be successful, which did not leave the Greeks in a better situation than that in which it found them. He regretted that the situation of the right hon. secretary did not permit him to do that which he was sure would have been consistent with his inclination; namely, to give an assurance to the House, that this country would not be a party to any arrangement which did not protect the Greeks from the barbarous revenue of one power, and the insatiable ambition of the other.

The address was then agreed to, *nem. con.*

HOUSE OF COMMONS.

Friday, February 6.

Consuls.] Mr. *Hume* asked the right hon. secretary for foreign affairs, when he intended to effect his long promised reform, respecting British Consuls abroad?

Mr. *Canning* replied, that he would submit a motion on the subject to which the hon. member alluded, during the present session, and at no distant period. In the mean time, he might perhaps remove the hon. gentleman's uneasiness on one particular point, by telling him that he had already reduced the consular salaries.

Mr. *Hume* said, that it was not so much the amount of the salaries, as the manner in which they were paid, that he objected to. He disliked the system of consular charges upon goods imported.

Austrian Loan.] Mr. *James* begged to direct the attention of the right hon. secretary, for a few moments, to the subject of the Austrian Loan. When the right hon. gentlemen laid on the table a copy of a convention entered into between the Emperor of Austria and his Britannic Majesty, respecting the setttlement of the Austrian Loan, he fully expected that it was the intention of the right hon. gentleman merely to submit that document to the House for its sanction. But he had since ascertained, to his great surprise, that the agreement had actually been ratified by both the contracting parties. He wished the right hon. gentleman to answer this question—whether he did not think that he had acted illegally and unconstitutionally, in advising his majesty to agree to that convention without consulting the House? [A laugh]. That might, perhaps, appear to be a very radical view of the case; but he felt it his duty to state, that he conceived the right hon. secretary to have assumed a power which even Mr. Pitt, in the plenitude of his authority, had never dared to assume.

Mr. Secretary *Canning* said, he would give the hon. member the answer which he required. The hon. member had asked whether he (Mr. C.) did not think that he had acted illegally and unconstitutionally in regard to the convention, a copy of which had been laid upon the table. The answer was "decidedly not." If the hon. member thought otherwise he was of course at liberty to bring the subject before the House; but then he hoped that the hon. member would give notice of his intention, and not proceed to discuss a matter connected with the privileges of the Crown, at a moment when the House was quite unprepared to entertain such a delicate question.

Mr. *James* said, that he was not compelled to give a notice, and as it was not likely that any business would come before the House that evening, he thought the matter might as well be discussed at that time. He repeated that he considered the conduct of the right hon. secretary illegal. If ministers had the right to give up the claim of the people of England to a large sum of money justly due to them, without consulting the House of Commons, then, *pari ratione*, they were entitled to levy taxes in like manner. It was stated, in one of the articles of the convention that his majesty was entitled to sue the emperor of Austria in his own court for the recovery of the debt. Had that been done? He supposed it was very unlikely that any thing further would be obtained from Austria, and he therefore hoped, that in justice to other bankrupts, the name of the emperor would appear in the Gazette.

Spain—Foreign Policy.] Lord *Nugent* observed, that since the House had, by agreeing to the address to his majesty, sanctioned the policy which government had adopted with regard to Spain, he thought they ought to be put in possession of the means of judging how far that policy had been fairly carried into effect. For that purpose, he considered that the production of some papers was necessary; namely, copies of all the correspondence which had taken place between this government and sir William A'Court during the period intervening between the entrance of the French troops into Spain, and the surrender of Cadiz; and also copies of all communications made by the Spanish Government to sir William A'Court, during the same period, with his answers. He wished to know whether the right hon. secretary intended to lay those papers before the House, or whether he would consent to their production.

Mr. *Canning* replied, that he did not intend to lay the papers alluded to upon the table, and that his vote, if they were moved for, must depend upon the case which the noble lord might make out for their production.

Lord *Nugent* then gave notice, that on Thursday next he would submit a motion on the conduct of ministers with respect to the late war in Spain, and with reference to their professed neutrality.

Roman Catholic Burials.] Sir *John Newport* moved for copies of the communications which had been received by the lord lieutenant, respecting the right of burial in Ireland, as regards Roman Catholics and Dissenters from the Established Church. The right hon. baronet anticipated no resistance to his motion, as he was convinced the tranquillity of Ireland depended materially upon the question to which it related.

Mr. *Goulburn* said, he was always loth to appear to withhold information; but the house would be aware that there might be circumstances under which disclosure could only tend to do mischief. He relied upon the candour of the right hon. baronet in giving credit to him (Mr. G.) for sincerity, when he stated his belief, that the papers in question were likely to revive disputes, without forwarding the object which the right hon. baronet had in view. The right hon. baronet wished to repeal the statute of the 9th William III., which applied to burials in the church-yards attached to decayed monasteries. He said nothing upon the main question, whether the statute ought to be repealed, or whether it ought not; but it was an object which could no way be aided by the production of the papers in the possession of the lord lieutenant; while their publication would certainly revive differences which were now in a way to be forgotten.

Sir *John Newport*, since the matter was referred to his candour, thought it due to public justice, and to the people of Ireland, that the papers should be produced. If there had been imprudences committed, let them lie upon those who ought to bear them, namely, that part of the episcopal and ecclesiastical body in Ireland, which had attempted to strip the people of the right of burial according to the forms of their religion. His object was not that which the right hon. secretary had stated. He wished certainly to repeal the statute, the 9th William III.; but he wished also to secure the right of burial, generally, according to the forms of their religion, to the Catholics and Dissenters from the Established Church of Ireland. When it was considered, that this question was of all others the most calculated to excite public feeling, and that six-tenths of the Irish population were interested in it, the house, he trusted, would go with him, if he pressed the production of the papers to a division.

Mr. *Grattan* thought it would be better to postpone the question, and give a regular notice. The gentlemen on his side the house were taken by surprise, not having conceived that the papers would be refused. The question was one, as he viewed it, of the highest importance to Ireland. If it was not soon put at rest, there would be no burial without an affray.

Mr. *Abercromby* said, that of all the frightful questions which had been mooted in Ireland, this was decidedly the most terrific. He so far went along with the right hon. Secretary for Ireland, that if he thought the question likely to be settled satisfactorily, he would not call for the production of papers which contained an inflamed view, perhaps, of past disputes; but then, so far from seeing any disposition on the part of government to take measures of itself for putting the difference at rest, he understood the right hon. Secretary to suggest, that what had passed had set it at rest already.

Mr. *Goulburn* said, that he was misunderstood by the hon. and learned gentleman. He had spoken only of particular differences as in a way to be set at rest; not of the general question.

Mr. *Abercromby* said, that the right hon. gentleman still stated no intention on the part of government to take measures. Under such circumstances, the house was bound to proceed itself, and consequently to call for the fullest information. The vital importance of the question was admitted. There were doubts upon it in every way: doubts as to the law; doubts as to the practice. A specific course by parliament was necessary; and he therefore should support the motion for the production of documents.

Mr. *Peel* thought it would be well to separate the general question, of burial, from the immediate question before the house, namely, the production of papers. Upon the general question he should reserve his opinion; but he thought that the papers ought not to be produced.

Mr. *Calcraft* supported the motion. The documents in question were not private; and the only difference was, whether members should obtain them personally, or whether they should come regularly before the House.

The House then divided: For producing the papers, 39.—Against it, 56.

List of the Minority.

Abercromby, hon. J.
Althorp, vis.
Baring, H.
Benyon, B.
Bernal, R.
Birch, J.
Buxton, T. F.
Coffin, sir I.
Crompton, S.
Curwen, J. C.
Davies, T.
Duncannon, vis.
Ellice, E.
Fleming, J.
Grattan J.
Grenfell, P.
Gordon, R.
Haldimand, W.
Hamilton, lord A.
Hume, J.
Hutchinson, hon. C. H.
James, W.
Lamb, hon. G.
Lushington, S.
Maberly, J.
Mackintosh, sir J.
Nugent, lord
Ord, W.
Prendergast, G.
Robinson, sir G.
Russell, lord J.
Robertson, Alex.
Staunton, sir G.
Tennyson, C.
Tierney, G.
Wilkins, Walter
Williams, John
Wood, Matthew
Wrottesley, sir J.

TELLERS.

Calcraft, J.
Newport, sir J.

HOUSE OF LORDS.

Monday, February 9.

South America.] The Marquis of *Lansdown* wished to say a few words upon a subject, to which their lordships' attention had been drawn some days ago by his Majesty's Speech: he meant that part of the Speech which alluded to the independent provinces of South America. It was by no means his wish to run any race with his Majesty's ministers on this question; and if it appeared to be their intention to take that step which good policy seemed to require, namely, the recognition of the provinces which had separated themselves from Spain, he would be found most anxious to afford every facility for that purpose; but being impressed with the great importance of the independence of these provinces to the commercial interests of this country, he must deprecate any thing like unnecessary delay. With the view, however, which he had taken of this question, he could not now venture to make any motion for promoting the important object to which he had referred; but, calculating on what he had heard, not so much in their lordships' House as elsewhere, that a communication had been made to the government of Spain, an answer to which might in a short time be expected, and also that some communication, would, probably, soon be received from the consuls who had been sent out from this country to South America, he thought it could not be long before he should feel himself at liberty to submit some proposition to their lordships on the subject, if his Majesty's ministers did not, as he wished should be the case, bring forward some measure themselves. He was well aware, that, in the actual state of affairs, sufficient reasons might exist for preventing his Majesty's ministers from coming to an immediate decision on this question, and was therefore desirous of avoiding any thing like precipitation. He would accordingly now give notice, that on some day in the month of March, he would, if not anticipated by his majesty's ministers, move an address to his Majesty, praying him to take such measures as may be necessary for the recognition of the provinces of South America which have separated themselves from Spain.

Irish Trade.] The Marquis of *Lansdown* stated, that he wished to move for copies of two papers, the first of which was calculated to show the state of the intercourse between this country and Ireland, with respect to the cotton trade, and the increased intercourse, notwithstanding the distress which had prevailed in Ireland. He meant to move for an account of the cotton goods imported into, and exported from Ireland, between the 10th July, 1822, and 22nd February, 1823. The other paper would exhibit the extraordinary effect which had been produced by the reduction of the duty on spirits, and to which he wished to call the attention of all those who doubted the possibility of improving the revenue by taking off taxes. The account he meant to move for was, for the quantity of spirits which had paid duty between the 10th Oct. 1822, and the 11th February, 1823; and he was informed that it would be found that the sum paid in the last quarter of the account, at only two shillings per gallon, exceeded that which had been paid during the same quarter of the preceding year, when the duty was five shillings. Thus the effect of taking off three shillings per gallon of duty on spirits, had been not only to increase the consumption, but to produce an augmentation of the revenue. The noble marquis concluded by moving for the accounts he had described, which were ordered.

HOUSE OF COMMONS.

Tuesday, February 10.

Imprisonment under the Vagrant Act.] Mr. *Hume* said, that he had a petition to present to the House, which he considered of peculiar importance, as it related to an interference with the liberty of the subject, to which the country of late had unfortunately become too much accustomed. The petition came from an individual who complained of the improper use made of the discretionary power vested in the magistrates by the vagrant act of last session. The petitioner, on the 7th of last September, was returning in the evening to his own house from Clapham, where he had been upon private business. In passing through one of the alleys of the metropolis, he was accosted by a woman, who asked him if he knew the way to Brick-lane. Whilst he was answering her question, the watchman came up, accused them of violating the decency of the place, and took them both off immediately to the watchhouse. It was evident, from what the watchman said as he was taking the parties to the watch-house, that he had apprehended them for no other purpose than to extort money; for he repeatedly observed to them, that he only got five shillings for apprehending them, an observation which led the petitioner to believe that, if he had happened to have had ten shillings in his pocket, and to have offered them to the watchman, he could have freed himself from the charge without any difficulty. The point to which he chiefly wished to call the attention of the House, was the conduct of sir Daniel Williams, the magistrate before whom the petitioner was brought the ensuing day. The watchman was sworn, and told his story; and upon his oath alone, both the petitioner and the woman who had accosted him, were condemned to one month's imprisonment and hard labour at the tread-mill; both of them disclaiming all exposure of their persons, and the watchman himself admiting, that the alley in which he found them, was a dark lonely place; that there was no light either from the moon or lamps; and that he had been obliged to look at them closely with his lamp, before he could discover what they were doing. Now, under any interpretation of the clauses of the vagrant act, relative to indecent exposures of the person, he thought this was a harsh decision; especially as both the parties whom it affected, affirmed that there was nothing indecent in their dress and gestures. The conduct of Mr. Swabey and sir D. Williams, with respect to cases of this nature had been fully detailed to the public by the press; and he was satisfied that there was no man, let his opinion be what it might regarding the vagrant act, who would state his approbation of the manner in which those justices had exercised the discretionary powers which they received under it. [Hear, hear.] He was sorry to say, that there was no regulation by which it could be ascertained when bail could be taken and when not, but that it remained a question which the magistrate determined according to his own pleasure. They all knew that in a recent case, which excited general disgust and abhorrence, an eminent prelate was admitted to bail, though his guilt was established by the most satisfactory evidence. In a case, however, of still more recent date he believed it occurred only three days ago, an individual who had hitherto borne an unimpeachable character was apprehended, on a charge of receiving plants into his nursery, knowing that they were stolen from the royal gardens at Kew. Men of the first respectability came forward to speak to the general correctness of his conduct, and bail was tendered to any amount for his appearance to answer the charge at the sessions. But no; the magistrate would not hear of bail, and to prison the man went like a common felon. Such a surprising difference in the practice of the magistrates made it necessary that some superintending power should be diligently employed in observing it. As the secretary of state for the home department was the person who appointed the magistrates, and who was authorised to suspend them in case of misconduct, he thought that this superintending power should be exercised by, as it was undoubtedly vested in, that department. He knew that it was impossible to lay down rules for the guidance of magistrates in all cases; but that very impossibility rendered it doubly imperative on those who appointed them, to employ great care and diligence in selecting proper persons to fill such situations. It was well worthy of notice, that in every case but the present, in which parties had been committed to prison under the vagrant act, for improper exposure of their persons, relief had been granted them upon application to the home secretary. In this case, however, no relief had been granted by the right hon. secretary; perhaps because none had been ever asked for. The petitioner, after his case was desided by sir D. Williams, was taken to the tread-mill. He was sent there on the Monday, and it was Thursday before he was enabled to give any of his family intimation of the fate which had befallen him. His friends, knowing him to be a man of good character, immediately obtained a warrant, and brought him again before sir D. Williams, for the purpose of appealing from his decision to the sessions. This step could not, however, be taken without incurring an expense of 15*l.*, and for the repayment of that sum his labour for the next year was mortgaged to his friends. The sessions came on: the appeal was heard, and the prosecution was in consequence quashed. Such was the case with respect to the petitioner; but what was it with respect to the woman, who was committed along with him? She could not muster 15*l.* to pay for the liberty to appeal, and was in consequence compelled to submit to the punishment to which she had been sentenced. "I ask," continued the hon. member, "what kind of justice this is? We have laws to protect us from injury, but if we have not money to purchase their protection, it appears that their protection will not be given to us." He contended, that if the right hon. secretary, would not, or did not, superintend the conduct of the magistrates whom he himself appointed, the house must undertake that duty. He did not mean to say that the right hon. gentleman would not have given relief to the petitioner, if it had been applied for; but he meant to say this, that the house was bound to prevent the recurrence of cases which rendered application to him necessary on this part of the subject. He had put this petition some time ago into the hands of the right hon. secretary, in order that he might inquire into the particulars which it detailed; and if, in the course of that inquiry, the right hon. secretary had discovered any circumstances of extenuation in this infraction of the law of the land and the liberty of the subject, he should be happy to hear them. The circumstances which this case developed could not fail to suggest certain considerations, as to the manner in which the paid magistrates of the metropolis performed their duties. He was sorry to say that they appeared lax in their duty, when compared with the magistrates of the city of London. He had received a printed paper from one of the sheriffs, which showed how cautious the latter magistrates were of sending individuals to a place where their character must almost inevitably contract a stain, and where, if virtuous, they ran a great hazard of being contaminated by the infamous society with which they were compelled to mingle. The paper to which he had alluded was a comparative statement of the number of commitments and convictions from London and from Middlesex. During the year ending in last December, there had been 1,652 persons committed by the magistrates of middlesex. Of the persons brought to trial out of this number, after suffering all the contagion of bad example, 478 were acquitted: against 195 bills were not found: and 26 were not prosecuted; so that there was an aggregate of 699 commitments in one year, without adequate cause, to that sink of iniquity the Old Bailey. Now he would ask, was it nothing that 700 persons should be thus submitted to the hazard of moral pollution? Would those call it nothing who were always preaching up the necessity of giving a high tone to the moral feelings of the lower orders? What he principally complained of was this,—that the stipendiary magistrates were guilty of inattention to the cases which came before them, and that they did not employ requisite diligence in sifting the evidence submitted to them. During the same period of time in which these 1,652 commitments took place in Middlesex, there had been 420 commitments by the magistrates of London. Out of this number only 79 were acquitted, though there were 35 cases in which bills were not found. He was informed that the proportion of acquittals to commitments, was larger in the last year than it had been for many previous years; but even so, it was not one-fourth of the number of commitments, whereas in Middlesex it was very nearly one-half. As he was upon this subject, he would cursorily remark, that it was his intention, in a very short time, to move for a return of the number of persons committed from each police-office, specifying the numbers committed by each magistrate; and he should make that motion, in order to give the public proper materials on which to form their opinion of such men as Mr. Dyer, Mr. Swabey, and sir D. Williams. In making these observations, he had no wish to cramp the magistrate in the proper discharge of his duty, all he wanted was, to make them feel that their authority ought to be kept under proper control. The sole object for which he had addressed the House was, to submit to it what recompence it would afford the petitioner, for the stigma which had been fixed on his character by the inconsiderate conduct of sir D. Williams. That was one of the points which the petitioner urged in his petition. He also implored the House, to afford him such redress as would enable him to repay his friends for the pecuniary exertions which they had kindly made in his behalf, without mortgaging his labour for the ensuing year. As to the woman, let them again and again consider the unfortunate situation in which she had been placed. The person with whom she was accused of having violated public decency was declared to be not guilty of such an offence. What, then, was her crime, and for what was she to be imprisoned? If she was innocent, could any thing be more unmerited than the treatment which she had received? He was aware, that before the last vagrant act, it was left in the discretion of the magistrate to commit individuals as vagrants on the oath of a single person. That discretion, he thought, ought not to be continued: and as the act would expire next September, if it were not renewed this session, he trusted that some amendment would be made to it, depriving the magistrate of this discretionary power. The power was not so likely to be exercised under the late acts, as it was under the present: for it ought not to be forgotten, that the present gave the police officer a reward of five shillings for every vagrant he apprehended, and thus offered him a premium for every infraction he might make on the liberty of the subject. He then moved that the petition be brought up.

Mr. *Dawson* declared his intention of not replying at present to the arguments which the hon. member had urged against the vagrant act. That act would expire in the course of the year, and on the motion to renew it, if any such were made, its merits and demerits would be fairly taken into consideration. He had inquired into the circumstances of this case, and he could assure the House that the petitioner had no hardship to complain of. It appeared that he was going to his home at a very late hour in the night, when he met with the woman in question, who was well known as a common prostitute. At the time the watchman caught them, they were guilty of as open an exposure of their persons as could possibly be imagined. The watchman deposed to the facts: the petitioner did not venture to deny them; all he said was, that the watchman had trumped up the story to extort money. That could not, however, be the case, as he was not entitled to, nor did he receive the five shillings for their apprehension. He therefore trusted that the House would not think that the magistrate had acted improperly upon this occasion. He would only add, that the merits of the case had not been entered into at the sessions; since it was quashed upon a legal technicality.

Mr. *Littleton* rose to caution the House against attributing to his hon. friend, the member for Stafford (Mr. Chetwynd), who had framed the vagrant act, any harshness which the magistrates had shown in carrying it into execution. The object of his hon. friend had been to mitigate the severity of the former vagrant act; and he was sure that any gentleman who would turn his attention to the subject, would see that it was considerably mitigated. Formerly, the magistrates had the power of sentencing to transportation for seven years; at present, they could not sentence to more than two years' imprisonment. Formerly, whipping could be inflicted by the order of one magistrate; now, it could not be inflicted, except by an order of a bench of magistrates at the quarter sessions. He then proceeded to defend the principle of the vagrant act, and to request hon. gentlemen to withhold their attacks upon it until his hon. friend, the member for Stafford, who was now absent from indisposition, was present to answer them.

Mr. Secretary *Peel* observed, that the hon. member for Aberdeen had adverted to a great many subjects, the importance of which he did not mean to undervalue; but he was sorry, on account of their importance, that he should have introduced them when presenting a petition, without giving a previous intimation to those who might have afforded some explanation, if the facts had been clearly stated to them. The communication of the hon. gentleman to him (Mr. Peel) had rather misled him than otherwise. He certainly had placed the petition in his hands, and had stated that he was going to present it; but he did not say that he intended to comment on the conduct of the magistrates, or to introduce any observations with reference to the home department. This individual had never sent any petition, praying for a remission of his sentence, neither had the woman made any representation on the subject; and therefore he had no opportunity of applying to the Crown. Some cases had, undoubtedly occurred under the Vagrant act, which he had deemed worthy of examination and interference; but of the case now under consideration, he knew nothing, and therefore he had not taken any steps respecting it. He wondered, however, that the hon. member should attack the discretion of the magistrates on this occasion; at the same time he admitted, that the subject was very proper to be inquired into, but not in this incidental manner. The petitioner was accused of an indecent exposure of his person; and, the fact having been sworn to, he was committed. Now, what did he allege against the witness in his petition? He said, that watchmen were proverbial for their poverty, cupidity, and ignorance. Therefore, as it was a common proverb, that watchmen were distinguished by poverty, cupidity, and ignorance, no person ought to be convicted on the oath of one of them [A laugh!]. It was very well for the petitioner to explain his idea of the probity of those persons; but, if a watchman of good character swore before a magistrate that he saw persons offending against the law, the magistrate must of necessity convict. It was another matter, whether it was fitting that the magistracy should have such a discretion as that which they enjoyed under this act. That was a very different question. The hon. member had referred to the home department, with respect to the reward which was allowed for convictions under this act. Now, it was very true, that by the late act, the sum of 5*s*. was allowed: but by the former act, the reward was 10*s*.; so that there was a diminution, instead of an increase of reward, upon conviction. He, however, thought that this was not to be considered as a positive fine, to go to the minor officers of justice in all cases; and, soon after the passing of the act he had seen the magistrates, and had impressed on their minds, that it was a matter of discretion whether the fine should or should not be granted to the officer. It was for them, in exercising that discretion, to consider whether the individual had acted from a sense of public justice, or merely from a desire of receiving the reward; and he had directed them not to certify to the parish, in any case where the individual making the allegation seemed to be actuated by the desire of gain. Certainly, when the Vagrant act came under the consideration of the House,—although he knew the intention of the hon. member who brought it in was entirely to benefit the public, and the public, he conceived, ought to be much obliged to him—still there were some parts of it on which he meant to submit certain amendments; and particularly the clause relative to indecent exposure [Hear!]. He thought there was not a more flagrant offence than that of indecently exposing the person, which had been carried to an immense extent in the parks, where virtuous females had been shamefully insulted: but wanton exposure was a very different thing from accidental exposure. There ought, therefore, to be a more distinct and definite line drawn between exposure, the effect of accident, and exposure, the result of intention. At present, there was no discretion. On conviction, the magistrate must commit for a month. His object was to invest the magistrate with a discretionary power, which would enable him to commit for a shorter period. Such an alteration might be effected without trenching on the principle. He agreed in the observation of the hon. gentleman, that great care ought to be taken in the selection of persons to act as stipendiary magistrates; and he must take some credit, both on behalf of his predecessor and himself, for acting on those principles which were likely to ensure a proper and efficient selection. Formerly, almost any individual was considered eligible for the office. But lord Sidmouth and himself had laid it down as a *sine quâ non*, that those who were placed in the situation of stipendiary magistrates should have practised three years at the bar, and must, therefore, enter on the duties of their office with a competent knowledge of the law. He never knew of any arrangement, with respect to the appointment of stipendiary magistrates, except that of selecting those persons who were the best recommended, and requiring that the parties should have practised at the bar. The hon. gentleman had commented on the conduct of some of those who held this situation, when acting in their magisterial capacity. He had introduced the names of Mr. Dyer and of Mr. Swabey. He thought it would have been as well, when the hon. gentleman had mentioned to him, that he would present this petition, if he had also stated, "I mean to introduce those cases, and I now give you the intimation, that you may have an opportunity of arranging what you may have to say on the subject." But, as these cases were not properly before the House, he thought it would be as unwise as it was unnecessary to notice them further; and therefore he would avoid that topic. The hon. gentleman had observed, that Mr. Dyer had taken moderate bail from one individual, whilst he had refused to receive bail from another. But the hon. gentleman did not seem to have inquired as to the distinction that might have existed between the cases. He had not stated, whether the one case might not have been a misdemeanour, and therefore bailable; whilst the other might have come under the provision of a statute that was imperative on the magistrates. Now, he must contend, that in the case where bail was refused, the magistrate had no discretion to exercise; and, though in the other case the moral offence might have been deeper and more degrading, yet the magistrate must deal with it as the law directed; he could not proceed to consider the moral distinctions between crimes. As to the committals by the magistrates, the *primâ facie* statement of the difference was very important, and deserved inquiry. But, on account of its importance, the hon. gentleman ought to have given notice that he meant to bring it forward. He had not stated whether any of the committals were in execution in a point which was of great importance. He had merely said—so many were committed, and so many convicted. But, supposing that a part of those persons were committed in execution, it was impossible that there could be any subsequent conviction. This was important to be considered, and the hon. gentleman ought to have ascertained the fact. As, however, the hon. gentleman would, in the course of a few days, move for accounts on the subject, it would be better that the whole question should then be debated. When the hon. gentleman brought forward a distinct motion on the subject, he should be ready to meet it, and to give to the House every information which could, with propriety, be called for; as he could assure the House, that government had no motive whatever, for mystery or concealment.

The petition was then brought up. It purported to be the petition of William Lotcho, a labourer; and set forth,

"That the Petitioner is a young man who has been bred up under an uncle as a labourer; that, until the 8th of last September, his sobriety, diligence, and honesty were never called in question, nor his character impeached for any one blameable act in the neighbourhood where he was born and bred; that the Petitioner, on Sunday the 7th of last September, paid a visit to a friend at Clapton, with whom he stayed till past eleven in the evening, when, on passing through a thoroughfare called Angel Alley, on his way home to Essex-street, Whitechapel, he was accosted by a female, who inquired of him her nearest road to Brick-lane, Spitalfields; that, while he was giving her the required direction, the watchman came up, and, charging the woman and the Petitioner with an indecent exposure of their persons, took them both to the watch-house; that the petitioner, on the same day, was taken before sir Daniel Williams, knight, Justice of the Peace, sitting at Lambeth-street, Whitechapel, who, upon the single oath of the watchman, convicted the Petitioner, under the Vagrant Act, of being a rogue and a vagabond, and adjudged him, with the unfortunate woman, to one month's confinement and hard labour in the House of Correction, Cold Bath Fields; that the Petitioner (with the woman) was accordingly committed on the same day to the House of Correction, where he was confined until the next succeeding Thursday, during which time be was daily compelled to work at the Tread Mill; in the interval between Monday the 8th and Thursday the 11th, the friends of the petitioner having been informed of his distressing situation, waited upon sir Daniel Williams, and from their representation of his past conduct and character, he was, on the latter day, brought from prison to Lambeth-street office, and was allowed, with two friends, to enter into a recognizance to prosecute an appeal against the conviction; the Petitioner's appeal came on to be heard at the Quarter Sessions on Thursday the 4th day of last December, when the conviction was quashed; the Petitioner humbly but earnestly implores the attention of the House to the serious and crushing injuries of which he has to complain; in the first place the Petitioner solemny affirms that the oath of the watchman was wholly false, and a very slight attention to the facts of the case must convince every reasonable man that nothing like indecent exposure could possibly, in such a situation, have taken place; the offence was sworn to have been committed between twelve and one o'clock in the morning, in a narrow, dark alley, when the inhabitants had retired to rest, when no window-lights were to be seen, and when the moon was only three days old; indeed the watchman distinctly admitted, on oath, that but for the light of his lanthorn he should not have been able to perceive either the woman or the Petitioner; second, that the Petitioner was not left in doubt as to the real motive of his accuser, for, as the latter conveyed him to the watchhouse, he complained of being allowed no more than five shillings for all his extra trouble; and the Petitioner is well persuaded that, had he possessed ten shillings at the time, he and the woman might have gone where they pleased; the character and liberties of British subjects being thus made to depend on the single and unsupported oath of a watchman, who belongs to a class of men proverbial for their poverty, cupidity, and ignorance, is to reduce Englishmen to the alternative of either submitting to extortion or to the infamous labours of the Tread Mill; third, that the Petitioner, although innocent of any offence, has been convicted, and branded with the odious character of rogue and vagabond, by which he has been undeservedly sunk in the estimation of those whose good opinion it was his pride as well as his interest to preserve; fourth, that the Petitioner being too poor to prosecute an appeal without assistance, is now indebted to another person in the sum of fifteen pounds, advanced for that purpose, for which the earnings of his daily labour is mortgaged for at least a year to come; while the unfortunate woman, destitute of all pecuniary resources, was compelled to work out her month at the Tread Mill; the Petitioner having been thus injured in his character, and ruined in his circumstances, without being guilty of offence, humbly prays, That the House, which is constituted as the best refuge for the poor and the oppressed, will grant him such redresss and relief as to its wisdom and justice shall seem meet."

Mr. *Hume*, in rising to move that the petition be laid on the table and printed, wished to make a few observations on what had fallen from the right hon. secretary. The petition averred, that the accusation rested on the statement of one man, and he argued, that his voice, in rebutting the accusation, was as good as that of the person who advanced it: he denied the correctness of the accusation altogether. In what he had addressed to the House, he begged leave to say, that he had not attached the slightest blame to the Home-office. On the contrary, he had observed that he believed every thing to be properly conducted. As to the course of proceeding which was to be adopted when a motion or a petition was to be brought forward, if the right hon. secretary wished to hear his (Mr. H's) speech before he delivered it to the House, he would readily oblige him. It would, however, be somewhat inconvenient, if all the observations which must necessarily grow out of such a subject were submitted to the right hon. secretary. With respect to the committals, the individuals he had mentioned were committed for trial. As to the case immediately before the House, they had, he thought, heard enough from the right hon. secretary to show that the individual had been hardly treated. The law, if allowed to remain in its present state, was calculated to produce very great inconvenience. He would ask, in going through the streets of London, crowded as they were with females, whether one of themselves might not be placed in the same situation as this individual? If any of them were asked by a woman to point out her road, he would not be much of a gentleman if he refused that act of politeness. The petitioner stated, that he was so accosted, and there was no evidence to prove that such was not the fact. The right hon. secretary had admitted, that the law wanted revision, and he hoped the public would benefit by the admission.

Mr. *Peel* had never meant to say, that the petitioner's was an accidental exposure. There were some exposures which might be accidental: but, he thought, assuming the guilt of the petitioner—[Mr. Hume—"Assuming the guilt!"]—Yes, the hon. gentleman had assumed the petitioner's innocence on his own allegation. Now, assuming his guilt, he could not think he had been hardly dealt with.

Ordered to be printed.

STATE OF IRELAND.] Lord *Althorp* said, that perhaps some apology would be required of him, for calling the notice of parliament to a portion of the empire with which he had no connexion whatever. But he thought he had an opportunity of doing some good, by seriously applying himself to the consideration of the state of Ireland; and he felt that it was as much the business and the duty of English as of Irish members of parliament to use their utmost exertions for the benefit of the people of that country. He hoped, therefore, he should not be supposed to have travelled out of his line, in undertaking the introduction of this subject [Hear!]. It was his intention at a later period of the session, to submit a motion on the state of Ireland generally, and therefore he now called for certain papers which were intimately connected with that subject. The chief points on which he required information were—the amount of the revenue of Ireland—the situation of the church, as to the number of resident clergymen—and the mode in which the laws, allowing Roman Catholics to hold certain offices, had been executed, together with a specification of the offices which they were so entitled to fill. As to the revenue of Ireland, it might be said, that information on that head could be procured from the papers now before the House. But, every one must know, that unless it were brought together in a smaller compass for general observation, it would not be attended with that good effect which ought to be derived from it. If, therefore, there was no objection, he would move for "a return of the gross and nett amount of the revenue of customs and excise in Ireland, for two years, ending 5th Jan. 1824; distinguishing the different articles on which it was charged." He would next move for "a return of the amount of money levied by grand jury presentments, for the same period." To that he conceived there could be no objection, as those presentments formed a part of the charge of Ireland, and it was desirable that its extent should be known. The next point on which he would call for information respected the residence of the clergy. He conceived it to be impossible for any man to look to the state of Ireland, and not feel the necessity of having a resident clergy. If, as they must all be convinced, it was of great importance to have a good resident clergy in this country, it was infinitely more important, situated as Ireland was, that there should be an efficient resident clergy there. The landed proprietors in England were far more numerous than those in Ireland, and it was of primary importance, that men of fortune should be induced, as far as possible, to reside in the latter country, and to do every thing in their power to promote its welfare. He could quote the instance of a reverend person who had lately, and he believed very properly, been promoted to the see of Limerick, to prove the utility of a resident clergy. That reverend person, during his residence in his parish in Limerick, had acted so prudently, that notwithstanding the confusion which reigned around, no outrages had occurred in that particular parish. He was not at all acquainted with Dr. Jebb, the bishop to whom he alluded; but he knew that what he had stated was founded on fact. He should move for "a list of the parishes in Ireland, with the names of their respective incumbents, and distinguishing those where the incumbents were non-residents." Another point, and a very great one, on which he would move for information, was the state of the church property in Ireland. No person could suppose that he cherished any wish to weaken or overturn the church establishment of Ireland or England. On the contrary, in any arrangement which he could possibly propose relative to the church property in Ireland, his whole desire would be, not to injure but to benefit the church establishment. He, therefore, thought it very important to know what quantity of land was at present the property of the church; and with that view, he would move for "an account of the number of acres belonging to the church in Ireland, distinguishing such as form part of glebe-lands. His next motion would be for a paper to show how many Roman Catholics had been employed in those official situations which by law they were empowered to fill. By the act of 1793, there were only seven exceptions, with respect to offices which Roman Catholics might fill. All offices, but those specially excepted, they were eligible to hold. He wished, therefore, to have it stated, how many Roman Catholics had been appointed to those offices; because it would very much depend on the mode in which government had appointed Roman Catholics to such offices, whether that body were likely to be satisfied with the situation in which they were now placed, so far as related to the execution of the law in question. He should therefore move for "an account of the number of Roman Catholics appointed to the situation of assistant barrister in Ireland, with the dates of their appointments; and an account of the number of Roman Catholic barristers who have enjoyed patents of precedence in Ireland, for the last five years."

The account relative to the Irish revenue, and that respecting presentments by the grand jury, were ordered, without observation. On the motion, for an account of the number of parishes in Ireland, distinguishing those in which the incumbent was not resident, being put,

Mr. *Goulburn* said, he did not rise to offer any opposition to the motion, because no person who had heard the sentiments uttered by him when the affairs of Ireland were under discussion last session, could doubt that he felt very deeply the importance of the residence of the clergy in Ireland, and that he was most anxious for the enforcement of that system. He had pledged himself, in a former session, to do every thing in his power, and the lord lieutenant had given him every assistance to enforce the residence of the clergy. It would be his duty, in a few days, to give notice to the House that he would introduce a bill, containing such provisions as he hoped would prove completely effectual for that purpose.

Mr. *Hume* suggested the necessity of making some alteration in this motion. If carried as it was now worded, a clergyman might be returned as resident who remained only one month on his living, although he was absent during the other eleven. He wished the return to be made under four distinctive classes, specifying those incumbents who had been resident for 3, 6, 9, or 12 months.

Mr. *Croker* did not know how a return of this kind could be made, without applying to each individual clergyman. If the clergyman resided long enough to satisfy the general law, he must be returned as a resident. The bishop could only take notice of those clergymen who did not comply with the law.

Mr. *Hume* observed, that the clergymen might make the returns. There were only 1,280 parishes, and one post might carry out all the blank returns.

Mr. *V. Fitzgerald* said, if the amendment were agreed to, founded, as it evidently was, on the argument, that some clergymen who resided but a month on their livings might be returned as regular residents, it would be casting a most undeserved stigma on the bishops of Ireland. The pains that had been taken by the government of Ireland to enforce residence, the division of parishes, and the appointing resident incumbents to do the duty of those cures which were formerly united, sufficiently proved the anxiety of the government of Ireland on this subject.

Mr. *Hume* defended his proposed amendment, and denied that he was casting any stigma on the bishops of Ireland. As to the delicacy of calling for such an account, he thought the House ought to observe little or no delicacy in calling for returns.

The amendment was withdrawn, and the original motion agreed to. On the motion for the papers giving the number of acres belonging to the church of Ireland, distinguishing the glebe lands,

Mr. *Goulburn* doubted whether such returns could be produced under the present imperfect admeasurement of districts in Ireland.

Sir *J. Newport* believed there was not a bishop in Ireland who could not tell pretty nearly what land he let to his tenants. The information, he thought, might be obtained without the smallest difficulty.

The motion was agreed to. On the motion for a list of Roman Catholics appointed assistant barristers in Ireland,

Mr. *Goulburn* asked how government should know whether persons were Roman Catholics or otherwise, unless in those cases where the law had imposed an oath?

Mr. *Hume* said, that nothing was more easy than to put the question to each individual.

Lord *Althorp* believed the return would be short. He thought no Roman Catholics had been appointed; but he saw no difficulty in making it. A man's religion, in Ireland, was as much a matter of notoriety as his profession.

Mr. *Croker* was not sure that the paper called for might not be obtainable; but he knew that the state of the law as to religious profession in Ireland would throw serious difficulties in the way of other objects contemplated by the noble lord opposite. The act of 1793 was the only act which gave the means of ascertaining whether a man was a Protestant or a Papist. He had himself witnessed a curious instance of the general impossibility of getting at that fact. Formerly, a Protestant could not vote at an election in Ireland without taking an oath that he was not a Papist. Subsequently, the law upon that point had been altered, and a Papist was allowed to vote upon taking the oath of allegiance. A Catholic, on coming up to vote towards the close of an election, found, when he hád got upon the hustings, that he had lost his certificate of the oath of allegiance. It happened that, as the numbers stood, every vote was of consequence. Upon which the man said, "If I cannot vote as a Papist, I will vote as a Protestant;" and actually did so; there being no law which bound him to declare his faith. As to the return, however, now called for, he believed it was to be got at; because Catholic assistant-barristers in Ireland took an oath, as they did in England.

Mr. Secretary *Peel* said, that the information might be obtained, and there was no objection to giving it; but he decidedly objected to establishing a precedent for putting questions to individuals as to the religion they professed.

Sir *F. Burdett* saw a great diversity in the objections of the gentlemen on the other side, and no force whatever in any of their objections. The right hon. secretary seemed to fear the establishment of a species of inquisition, which was to demand men's opinions and professions, calling them forth against their will; but, in fact, the inquiry now contemplated would be gratifying to every person concerned in it.

The motion was agreed to.

HOUSE OF COMMONS.

Wednesday, February 11.

Bank Notes in Circulation.] Mr. *Manning* regretted, that he had not been present yesterday, when an hon. member had moved for a return of the amount of Bank notes and Bank post bills in circulation. He had not the slightest wish to conceal any thing on the subject of the motion of the hon. member; but, after the Bank Restriction act had expired, he was not aware that the House had any right to call upon that establishment for any such returns. It had been provided by the bill of 1797, that certain accounts should be laid before parliament, quarterly, and should also be inserted in the Gazette; but, since the circulating medium had been changed to gold, of course those documents were no longer needed. The Directors were perfectly ready to give the hon. gentleman any information he desired, for his private satisfaction; but they were clearly of opinion, that he had no more right to demand the account he had moved for, than he had to call for copies of the books of any private merchant or banking-house. He hoped this practice would not be drawn into precedent; but he had no reluctance in stating that the amount of Bank notes, and Bank post bills now in circulation somewhat exceeded twenty millions.

Mr. *Grenfell* said, he differed at all points from the hon. gentleman as to the duty of the Bank of England. It seemed to him, that in the present state of the country, it was the imperious duty of the House of Commons, for the sake of the public interest, from time to time to ascertain the amount of Bank notes in circulation. In moving for the paper now alluded to, he had been influenced by no feeling of hostility towards the Bank, but by a strong sense of public duty. It seemed as if the hon. gentleman had totally forgotten the millions of money with which the public entrusted the Bank of England, and for the satisfaction and security of the public, it was absolutely necessary to know how the Bank conducted its business, and whether it was or was not in a state of solvency. If, before 1797, the House had been better informed upon the subject to which the motion referred, the catastrophe which had then happened, would never have occurred. It was very important that this point should be brought to issue, and for this purpose he would move on Tuesday next, for the accounts he had annually applied for, respecting the issue of notes by the Bank of England.

Mr. *Manning* repeated, that, as a matter of courtesy, the directors had no objection to furnish hon. gentlemen with such information as they might need for any parliamentary purpose.

Qualification of Jurors Bill.] Mr. *Western* rose for the purpose of moving for leave to bring in a bill to make an alteration in the law respecting the Qualification of Jurors. The hon member said, that though the alterations he had to propose were important, he did not apprehend that any strong objection would be urged against them. Various changes in the qualifications of jurors had taken place, from time to time, as the value of money had altered, but they had never been less adapted to the circumstances of the country than at the present moment. The qualification, in the country, now consisted of land, and it might be either freehold or copyhold. In London and in Southwark it was different; for there personal property conferred a right to sit upon juries: in the City the amount was 100*l.*, and in the Borough only 40*l.*, but this was regulated by a special provision. Out of those places, personal property to any amount conferred no qualification; and 10*l.* value, whether of freehold or copyhold, was often attended with extreme poverty, so as to render it impossible for the party to attend without great loss and inconvenience. The hon. gentleman went on, from documents before him, to detail several instances of parishes in which the number of persons qualified to act as jurors bore no proportion to the amount of property; in one instance the rental of a parish was above four thousand pounds, and only one person residing in it was qualified to serve as a juryman. In the last year the bill he now proposed to introduce had gone through its second reading, and the blanks had been filled up with the qualifications he wished to substitute for those now in operation. He did not see that any great difficulty could arise in ascertaining the amount of the personal property of an individual, in order that it might be decided whether he was or was not liable to be called upon to attend the assizes, or elsewhere, where his services might be useful to his country. If the holding of land to the extent of 80*l.* a-year were not deemed too much, he thought the amount of personal property might be fairly enough fixed at 400*l.* inasmuch as a tenant of land of the yearly rent of 80*l.* per annum, to cultivate it properly must at least possess a personal estate to the extent of 400*l.* The hon. member then stated the various clauses of his bill, and said, that the measure which he had to propose, besides adapting the responsibility of serving on juries to the property and respectability of the population in a more just ratio, would include a trifling alteration as to the age required by the existing regulations; and he trusted that it would have the effect of calling forth an enlightened and extremely eligible class of persons to serve on juries, who were at present excluded, but who were well able to add to the support and strength of those laws which had raised this country to the proud station which we at present held among the nations of the world. The right hon. secretary had informed the house last evening, that the object of the bill which it was his intention to introduce was the consolidation of numerous laws which were now scattered over the Statute-book. But, in fact, although in all times, from the Conquest down to the present moment, the legislature had turned its attention occasionally to this subject, there was very little to complain of as to the vagueness of the law; for there was scarcely any law respecting juries which was not comprised in those two acts passed in the 4th and 5th William and Mary, and the 1st Geo. II. Certainly, as far as principle was concerned, there was nothing to be found outside those two acts. He would not detain the House longer at present, but reserve himself for any discussion which might arise upon the details of the bill, for the bringing in of which he now asked the permission of the House.

Mr. *Leycester* seconded the motion of his hon. friend with much cordiality. The principle upon which the qualification of jurors had been fixed might be classed among the antiquated prejudices of the feudal system, and was totally at variance with the present advanced state of civilization; because it went to exclude a large body of men, who were not only well qualified by education, station, and intellect, but were also willing to take their share in the burthensome duties of that service. Another strong recommendation of this measure was, the prospect it would afford of speedily establishing a third assize. This measure would render the duties of juries in the aggregate less onerous with a third assize, than before they had been with only two. It would remove the only obstacle which at present impeded the establishment of a third assize. He did not anticipate any difficulty upon this last point on account of the judges; for, without adding any expense in the way of salary, or a single member to the number of the judges, it was only to make a more economical use of their judicial means—it was only to dispose with more prudence of their judicial forces. They had only to get rid of the unaccountable respect which had prevailed for the number four, as being the best suited for judicial decision. Why it should be so, any more than five, three, or one, he could not discover. As it was an even number, it would seem to be less suited for decision than three, which, in case of differing opinions, must leave a majority. It was clear that four judges were not necessary to sit in each court; and, fortunately for the present question, the custom upon which that number prevailed was by no means invariable. The number had been reduced within the time of legal memory, from six or seven down to four. Why not reduce it to one? But supposing objections to be taken to that reduction, there could be none to the plan of leaving three judges on each of the benches, and by that means there would be three judges whose services would be available for the circuit on the third assize, without producing the least inconvenience to the business of Westminster-hall. Upon the question of the usefulness of a third assise, there could not be a doubt remaining. In the present winter they had seen the advantages of a third assize in the home circuit; for not only had many innocent men been set at liberty, but an atrocious murderer had been brought to punishment who would otherwise have been allowed to have disgraced society for months longer. The motion of his hon. friend was of great importance, and he was anxious for its success, not only on its own account, but as a sure and safe stepping-stone to that most important measure, a third assize.

Captain *Maberly* said, it was necessary for the House to consider what a situation they might be placed in by the bill which the hon. mover proposed to introduce, and that which the home secretary of state had also given notice of. The right hon. secretary proposed to consolidate all the laws relating to juries while the hon. gentleman was bringing in a bill to amend a particular disposition of those laws. Let them suppose the hon. gentleman's bill to have passed into a law, and the bill of the right hon. secretary introduced. Now, either the bill of the right hon. secretary would contain the provisions of the hon. gentleman's bill, or it would not. If it contained them, there would be two bills with the same enactments: if not, there would be all the laws respecting juries consolidated in one bill, with the exception of one bill.

Mr. *Western* undertook that no inconvenience, like that which had been anticipated by his hon. friend, should arise from the introduction and progress of his bill.

Mr. *Lockhart* would not oppose the introduction of the bill: but it was a measure which required great deliberation, and it was important that the House should hear the observations of all the members upon it. The remarks of an hon. member upon the general composition of juries were such, that he could not yield his entire concurrence to them. He could not agree that the old principle of juries was founded in prejudice, or that it was merely an error of the feudal system, which confined the selection of special juries to the class of freeholders. He rather thought that their ancestors had acted from a just and proper sense of the subject. Experience had shown, that the view which had been taken of the subject in ancient times was a sound one, and perhaps the best which could be devised, to protect people from the encroachments of despotism; to secure the rights of subjects against the power and influence of the Crown, and the interests of their property from injustice one among another. The epithet prejudice could only be ascribed fairly to that which had produced evidently bad consequences; whereas that system had proved to be efficient above all others, in opposing the intellect and public virtue of the community to the tyranny of rulers; and it had secured to us the only free constitution, worthy of the name, which existed in the world. He did not feel inclined to oppose the proposition of the hon. gentleman, because it went to place the system of juries in a position more fairly proportioned to the property and intelligence of the people. All he feared was, that the class by which that most invaluable blessing had been maintained hitherto might be too far overlooked. He admitted that they might not equal in expertness and ingenuity some of the enlightened classes which the kingdom contained. Their understanding was of a peculiar kind: there was in it a sort of *vis inertiæ*, which was not likely to run after the prevailing follies and fancies of the times. The old yeoman was a sturdy character, not easily to be moved even by the threats of power, when power was more dangerous than it was in these days, as many instances in history proved. He wished the house to guard itself against the exclusion of that old and valuable character. In that point of view he dreaded any alteration which would induce a laxity of attendance by the yeomen upon the assize and sessions courts; and it would be seen in the course of the discussion upon the details, how far they might expect that result, by an alteration which made personal property an equal qualification with real property, in the qualification of jurors. There was another consideration, of vital importance as to this part of the subject; which was, that the attendance of the yeomen on the assize courts, to witness the administration of justice, was of the greatest service in enlightening their minds upon the subject of their just rights, by which means they were enabled to enhance, on returning to their homes, the common stock of common sense, which had supported the prosperity and happiness of the country in times past, and contributed greatly to its present glory and strength.

Mr. Secretary *Peel* said, he did not intend to oppose the introduction of the bill of the hon. gentleman; in fact, in many parts of it he concurred; at least he thought the whole subject well worthy of serious consideration. He thought at the same time, with his hon. friend who had just spoken, that no alteration should be made in the system without much consideration; though some of the reasons urged by his hon. friend against an alteration, tended to bring him (Mr. Peel) to a directly contrary conclusion. If his hon. friend contended, and as no one would doubt, that the trial by jury was an important instrument for a diffusion of the knowledge of the law throughout all parts of the community, this was surely a reason for extending the privilege of serving on juries beyond the class to which it was now confined. The hon. mover had proposed to admit, as a qualification for serving on juries, the possession of personal property to a certain extent; and he had observed, that this principle was admitted already in corporate towns. But, he doubted in the first place, whether the hon. gentleman did not propose at first to admit too large a class, and whether the possession of a particular amount of personal property would not be found a very uncertain and embarrassing rule to go by. The hon. gentleman proposed, that the possession of 100*l.* of personal property should not only be a sufficient qualification, but that the owner should be entitled, or, if he pleased, compelled, to serve on the juries. But, would it not be a very delicate point to leave to the subordinate officers of any parish or borough to ascertain whether or not each man claiming or being compelled to serve was worth 100*l.*? [Mr. Western said across the table "400*l.*"] It was no matter: he was arguing upon the principle; which implied something too inquisitorial in the functions of the summoning officers. Surely it would be better to adopt some known test by which qualifications were now ascertained—either the book of assessments to the parochial and county rates, or those of parliamentary taxation. Every one rated at 100*l.* or 200*l.* house rent, should be eligible. There were other questions of difficult solution which would meet with proper discussion when the House should come to the details of the bill; but into which it would be very inconvenient to go, during the absence of the attorney and solicitor-general. The bill might be introduced and allowed to the committee, and rest there until the arrival of the bill of which he had given notice at the same stage; at which time, to save the inconvenience to which allusion had been made by another hon. member, if the House thought fit, the bill of the hon. member for Essex might be incorporated with the other.

Leave was given to bring in the bill.

CATTLE ILL-TREATMENT BILL.] Mr. *Martin*, of Galway, rose to move for leave to bring in a bill to extend to other animals the privilege and protection which the House, under a bill which he had brought in, had afforded to cattle. To this bill he did not apprehend much objection, as it merely would extend the principle of the bill for preventing cruelty to cattle, to dogs and cats, and monkies, and other animals. [A member asked Mr. Martin whether he included rats!] No, he did not mean to include rats. Gentlemen must have read in the public papers many horrible instances of cruelty perpetrated upon animals with impunity; and one in particular, of an unfortunate dog that went into a shop, and was scalded with a kettle of boiling water, and sent out to die in the streets. In other instances, dogs had been rubbed with oil of vitriol, and sent out to perish in excruciating torments. Without pretending to more sensibility than other gentlemen, there was no man who heard him, he imagined, who would not wish the same protection to be applied to other animals, as to cattle. Another object he had in view, was to make cruelty to cattle a misdemeanor. It was an offence that might be often tried with advantage before a jury and a bench of magistrates; and though a fine of *5l.* or imprisonment for three months, on summary conviction before a magistrate, might be punishment sufficient in ordinary cases, there were some atrocities that would deserve more signal punishment. Only a few weeks ago, a set of ruffians had amused themselves with driving some worn-out horses into a fire; and he himself remembered a case in which a wretch had lighted a fire under a horse, and actually kept it up until the bowels were burned out. The hon. member quoted several instances in which barbarities of a very horrible description had been perpetrated upon animals: and concluded by stating that his object was, to make such conduct misdemeanor.

Leave was given to bring in the bill.

Bear Baiting.] Mr. *Martin* said, that the second bill which he should move for leave to bring in, would require little detail. He would move for "leave to bring in a bill to prevent Bear-baiting and other cruel practices." There was some hesitation in putting the question, as Mr. Martin had not provided a seconder. Mr. Martin expressed a hope that some gentleman would second it. Some one having seconded it, and the question being put,

Mr. Secretary *Peel* said, he was as ready as any one to do justice to the motives of his hon. friend, and he did not object to the first of the bills that had been proposed to amend the law for the protection of cattle from wanton cruelty; but the bill which it was the purpose of the present motion to introduce, was an extension so important, that he was surprised his hon. friend did not think proper to enter into the details by which he might conceive it was called for. The hon. gentleman proposed to prohibit certain cruel sports. Now, if the hon. gentleman laid down the general principle, that no pain should be inflicted on animals, beyond such as was necessary in putting them to death for the support of man, his legislation would be consistent; but he was certainly not fair in selecting partial instances to legislate on, in which the members of the House, the parties legislating, did not happen to be interested [hear!]. It was impossible for him to vindicate the cruelty with which the sports in question were probably accompanied; but at the same time it was impossible for him to forget, that those who would have to pass this bill, for the purpose of putting an end to the sports in which the poor found amusement, were in the habit of pursuing other sports attended with just the same cruelty to animals. The House had last session refused to amend the Game laws, on the express ground, that, by affording a mode of amusement to country gentlemen, they afforded them a motive to residence on their estates. The advantages of this residence he did not mean to undervalue; but, while they thus directly encouraged the wounding of animals in shooting and hunting, they could not with any decency pass a partial law against the same sort of cruelty, when perpetrated by a lower class of people, nor could they make it penal to encourage the antipathies of two animals in Bear-baiting, when they encouraged precisely the same antipathies in fox-hunting. Let them abolish fox-hunting and partridge shooting, and they might then abolish Bear-baiting. If, indeed, the hon. member alleged that, for purposes of police, it was necessary to abolish a particular kind of amusement, because it brought together disorderly characters, or led to riots, he should have given the allegation the consideration it might deserve; but on the ground of cruelty, it was manifestly partial and unjust to propose it. Who could say that hawking was less cruel than Bear-baiting or fishing? Nay, fishing added treachery to cruelty; while, in Bear-baiting, the victim was at any rate brought fairly to the stake, and the late Mr. Windham used to assert, had a sort of pleasure in contending against his natural enemies the dogs. Fishing was a cruel fraud practised on innocent and defenceless animals. On what principle, too, did we retain animals in confinement at all? An unfortunate monkey, that was taken and shut up in a cage, and exhibited for gain, was surely ill-treated; and it might be questioned, whether the condition of such a monkey was not as wretched as that of the bear. He should protest against any partial measure on the subject, which would interfere with the amusements of the poor, while it did not interfere with the sports of the rich as, by making such a distinction, they opened the door to great injustice and oppression.

Mr. *Martin* said, he should defend those gentlemen who amused themselves with shooting, hunting, and fishing, against being confounded with the miserable wretches who pursued the brutal sports which he proposed to prohibit. He wished to stop cruelty as far as he was able: he wished to prohibit those cruelties which public opinion would follow him in saying ought to be prohibited. It was the opinion of all well thinking people out of these walls (and he was happy to say, that there were out of the House, millions of well-thinking people in this country), that cruel sports ought to be prohibited. There was not a part of the kingdom that he was not in correspondence with, and he knew that to be the general opinion. There was no inconsistency in not prohibiting field-sports and in putting down the gross and atrocious cruelties which depraved the morals of the people. Bull-baiting was already prevented. He begged to call to the recollection of the right hon. gentleman a law now existing, which prevented every one of these sports, or rather of these deliberate acts of cruelty, in a particular part of the metropolis. He alluded to the Mary-la-bonne act, which made it illegal to bait a bull, or to hold a bear fight, monkey fight, or dog fight in the parish of Marylabonne. He wished to know whether his right hon. friend meant to repeal that act; and, if he did not mean to repeal that clause in the Marylabonne act, which made it illegal for bears, dogs, and monkeys to fight and massacre each other, he saw no reason why those disgraceful sports ought not to be abolished in every other part of the kingdom. Hunting and shooting, in his opinion, were amusements of a totally different character. Many gentlemen who indulged in those recreations had been the foremost to support his bill for preventing cruelty to animals. A gentleman of his acquaintance, remarkable for the strength of his nerves, had, nevertheless, experienced nausea at the stomach, upon seeing a bull which had been baited. The upper lip was torn, and part of the tongue hung in shreds down the wretched animal's cheek. Honourable gentlemen ought really to attend these sports themselves, before they decided that a bill of this kind ought not to be introduced. He was informed by the police-officers, that the greatest vagabonds in the world were in the habit of attending these sports. He felt satisfied, that such sights tended to degrade the character of Englishmen; and he was convinced also, that if the House did not accede to his motion, their decision would not be supported by the general voice of the country. He was persuaded that, if the population of London could be polled on this subject, there would be a thousand to one in favour of his bill.

Mr. *Lockhart* thought he could relieve the hon. gentleman from the necessity of pressing the House to any decision on the subject. The hon. gentleman had already obtained leave to bring in a bill to amend his act for preventing cruelty to cattle, by extending protection to other animals. Now, as he himself admitted, that bull-baiting was illegal by the operation of his own measure, it was evident that if his amendment were carried, the bears to which the hon. gentleman wished to extend protection, would be included in the words "other animals." It would be wholly unnecessary, therefore, to protect bears by a specific enactment.

Mr. *Martin* acquiesced in the suggestion of the hon. gentleman, and consented to withdraw his motion.

Legacy Duties.] Mr. *Hume* rose to move for several returns, with a view of bringing the subject of the Legacy Duties under the consideration of the House at a future period. The right hon. the chancellor of the exchequer had, he said, shewn an anxiety to place commercial regulations on a footing of sounder policy than had been hitherto acquiesced in, and he trusted that he would not deem the subject to which he now adverted unworthy of his attention. Legacy taxes had been admitted by all who had written on the subject, to be taxes on the capital of the country, and they ought, therefore, to be repealed at as early a period as possible. The extent to which these taxes were levied, was not perhaps generally known. He had moved last year for returns of the amount of nett revenue derived from probates and administrations of wills, and the House would perhaps be surprised to learn that from the year 1797 to the year 1806, no less a sum than 22,124,000*l.* had been levied from the public in the legacy duties, which, upon sound principles of political economy, might be considered as so much taken from the capital of the country. The amount of legacy duties for the year 1822 was 1,000,793*l.*, and one of the objects of his present motion was, to obtain the return for the year 1823, in order to ascertain the amount of capital taken annually from the public. There was another circumstance to which he wished to call the attention of the House. Not only was this tax pernicious and impolitic in itself, but, from some neglect on the part of the public officers, the mode of levying it was extremely vexatious to the public. It had recently come to his knowledge, that claims of 12, 14, and 15 years standing had been made upon the public, for duties on the probate and administration of wills. A gentleman told him yesterday of a case in which an individual, who was the fourth in succession to whom the property devolved, had been obliged to pay 80*l.* legacy duty, the original executor and the two succeeding executors having died without any notice to pay the duties being given, and a period of upwards of twenty years having elapsed. If the government suffered arrears to accrue in this manner from the neglect and carelessness of its own officers, the public ought not to be subjected to those harassing and vexatious claims. If individuals were prevented by the statute of limitations from recovering a debt unless claimed within a given period, the government ought not to possess the right of harassing individuals, after a lapse of seven years, for arrears which had not been claimed, through the neglect of the public officers. Another object of his present motion was, to obtain a return of the number of probates and administrations which had been taken out in England in the last three years, and of the number of inventories, as they were termed, which had been taken out in Scotland. It ought to be known, that by law, the officer was bound to report the probate from Doctors' Commons within fourteen days from the time of administration, yet, for some reasons for which he could not account, and for which he believed there was no excuse, six weeks generally elapsed before the probate was reported. A case had been mentioned to him, yesterday, of a gentleman who had come up to London, from a considerable distance, to administer to a large property, and who wished to pay the legacy duty before he returned into the country. He was told, however, at the Stamp Office, that he could not do this, until the probate was reported from Doctors' Commons, and he was obliged to wait five or six weeks before he was allowed to pay the tax. This was a grievance which ought undoubtedly to be redressed; since it was the interest of the public that taxes should be paid as speedily as possible, and that no impediment should be thrown in the way of their payment. He was quite satisfied that the chancellor of the exchequer would see the necessity of remedying this inconvenience, and that he would also acquiesce in the expediency of limiting the period at which the public should be liable to claims for arrears of legacy duties. He concluded by moving for "a return of the amount of revenue derived from the stamp duties on legacies, probates, administrations, and testamentary inventories, in the year 1823, for England and Wales, Scotland and Ireland."

The *Chancellor of the Exchequer* had no objection to the motion of the hon. gentleman, and he did not think it necessary, on the present occasion, to trouble the House with any observations on the general question of the policy of legacy duties. The House would naturally see that this was a subject of very considerable importance, affecting, as it did, a revenue of not less than a million per annum. With respect, however, to the particular point to which the hon. member had adverted, namely, the grievance to which individuals were exposed in consequence of being called upon to pay arrears of legacy duty, which had not been claimed for many years, he was ready to admit that some strong cases of hardship had been brought under his notice. These cases had arisen, not from any disposition in the parties to evade the payment of the legacy duties, but from the imperfect provisions of the law at its first enactment, and the imperfect regulations under which the law had been acted upon, so that that notice had not been given which every public body, whose duty it was to collect taxes, was bound to give. In the year 1812, many alterations and improvements in the mode of collecting the legacy duties had been adopted, the result of which was, that every person now received a fair and immediate notice of the amount of duty he had to pay. It was perfectly true that the officers, acting under the new system, had called upon parties to pay arrears of legacy duty, which had not been claimed under the old regulations, and this was no doubt in some instances, a grievance, because the executors, who were in strictness of law liable to pay, might not be liable to find the legatees. The Treasury had, however taken steps, which he trusted would effectually remove all cause of complaint on this subject.

The motion was agreed to.

Conduct of Police Officers—Michael M'Can.] Mr. *Grattan* rose, to move for copies of the proceedings before a coroner's jury on an inquest held on the body of one M'Can. It appeared from the information which he had received, that the unfortunate sufferer was an agent employed in the collection of rents, in the barony of Strathbane. He was returning to his home, when he entered a public-house, where he met several of the tenants from whom he was to receive rent. Two police-officers came afterwards into the same house, and caused a riot and affray, in the course of which the agent was killed. The hon. gentleman said his information went on to state, that an inquest had been held on the body, at which two surgeons attended, who swore that the death of the deceased was occasioned by an inflammation of the bowels; and that upon this evidence the jury acquitted the police-officer, notwithstanding the dying declaration of the victim, who said that he had been killed by the police-man. The hon. gentleman did not know whether the police-man was still at large, or whether any proceedings had been taken against him. He was, however, induced to make the present motion, in the hope of calling the attention of the magistrates to the conduct of this description of men, who, in the county where this transaction occurred, were notorious for the commission of violent and illegal acts. They were often taken up, and sometimes removed; but never, that he had been able to learn, discharged. The consequence was, that the public had no confidence in the administration of justice, as regarded them; and it was with a view to remedy the existing abuses, by the adoption of some ulterior measures, that he now moved "for copies of the proceedings on the coroner's inquest held on the body of Michael M'Can, at Vicarstown in the Queen's County."

Mr. *Goulburn* thought, that without going into the facts of the case, the hon. gentleman would agree that it was not at present adviseable to adopt such measures as he had proposed. He had received no information from Ireland respecting this case; but even supposing the statement of the hon. gentleman to be, as it probably was, quite correct, still he thought that upon general principles, his motion ought not to be acceded to. An individual had come by his death in a public-house, and the coroner's jury had been of opinion that he died in the course of nature. Suppose the police-officer had actually murdered this man; he would ask the hon. gentleman, whether he thought by the publication of the evidence on the inquest he was more likely to obtain justice on the criminal, or whether he would not rather enable him to shape his defence so as to evade it? The hon. gentleman knew very well, that the verdict of the jury did not preclude the trial of the police-officer; and even at this moment he might be indicted by the family of the deceased, or the local government might interfere, if they saw any necessity for doing so. He would ask the hon. gentleman, knowing as he did, the state of the part of Ireland now alluded to, whether he did not think that the publication of the evidence which he now sought, might not be highly injurious by giving the accused an opportunity of getting out of the way, or adopting some of the other expedients which were too frequent in that part of the country for eluding the pursuit of justice? He was as anxious as the hon. gentleman could be to see the police-officers punished whenever they acted improperly, and no less desirous that they should be protected in the faithful discharge of their duty.

Mr. *Grattan* was only desirous to excite a proper degree of attention to this subject, and if the right hon. gentleman would promise to take the case under his own care, and adopt such proceedings as might be necessary, he would gladly leave it in his hands, and withdraw his motion.

Mr. *Goulburn*, would not pledge himself to commence a prosecution in a case of which he knew nothing, but he would make inquiries into it, and what the justice of the affair required should be done.

Mr. *Grattan* expressed himself satisfied, and withdrew his motion.

HOUSE OF COMMONS.

Thursday, February 12.

Tread Mill before Trial.] Sir *F.*

Burdett said, that seeing the secretary for the home department in his place, he would present a petition with which he had been entrusted by Mr. Martin Stapylton, a magistrate in the North Riding of Yorkshire. The right hon. gentleman had probably seen and heard something of disputes regarding the tread-mill among the magistracy at Northallerton, the majority of whom had been in the habit of sending persons before trial to this very degrading and laborious employment. An act had been passed during the last session upon this subject, and it had been accompanied by a general explanation, that prisoners committed for trial were not fit objects of such a punishment. Nevertheless, the individuals in question had persevered in the former practice, which appeared to the petitioner both illegal and oppressive. He therefore prayed the interposition of parliament: and in the opinion of the hon. baronet, it was loudly called for, to put a stop to a proceeding unwarranted by the spirit of the law of the land, as it inflicted punishment before a jury had decided that any guilt existed. He trusted that some effectual steps would be taken without delay to correct the misinterpretation that prevailed in some quarters, and which was daily leading to acts of the grossest injustice. He hoped that some effective measures would be adopted, either to amend the law, if a mistake prevailed upon the subject, or to correct the practice if it were illegally persevered in. It ought not for a moment to be suffered to exist after this exposure of its oppression and injustice.

Mr. Secretary *Peel* said, that the subject had been recently before the court of King's Bench, and it would be premature to discuss it at present, more particularly as the hon. member for Shrewsbury had given notice of a specific motion upon the subject. He readily agreed, that if the application of the tread-mill before trial were not illegal, it was at all events decidedly impolitic. The chief benefit of its discipline was, that it inflicted a stigma, and a disgrace, a moral punishment, which would be lost if it were used before trial. Upon a principle of justice therefore as well as of expediency, he thought the punishment of the tread-mill ought not to be inflicted before trial.

Sir *F. Burdett* said, he could not conceive the slightest doubt upon the illegality of the punishment before trial. It was a compulsory punishment upon men not proved guilty of any offence. The Judges of the Court of King's bench had evaded the real question, and had not determined upon the main point at all; they had merely said, that a prisoner was only entitled to the county allowance if he refused to work. But, suppose the case of a person so refusing to work; the mischief of this sort of punishment was worse in its principle to society, than the injury sustained by the example of the inability and obstinacy of any prisoner. He would repeat, that the practice was highly illegal, because the prisoner was in general entitled to bail before trial, if he could obtain it. If it was his misfortune to be unable to obtain the necessary bail, was it not quite enough that his lot must be imprisonment, without painful labour being coercively superadded? If it was the lot of a prisoner to be long committed before trial, his confinement and this tread-mill might amount to a far greater punishment than could be inflicted upon him, even if guilt were legally established against him. Besides, they should bear in mind, that the new system of prison discipline precluded the prisoner from receiving whatever sustenance his friends could afford him; and, was he before trial to be so placed, as to have to encounter the privation of a gaol allowance inadequate to fair human sustenance, or be exposed to a severe personal punishment? After this he hoped that common sense and decent feeling would prevent a repetition of such injustice.

Mr. *Peel* said, that between him and the hon. baronet there was no material difference of opinion. Whatever, he repeated, might be the strict law, upon which he was not prepared or qualified to decide, he had not a moment's doubt as to the inexpediency of placing persons on the tread-mill before they had been found guilty of any crime.

Mr. *Stuart Wortley* said, that the magistrates at Northallerton felt a strong conviction that they were acting legally in the course they had pursued. The Court of King's-bench had satisfied them that they were right ["No, no"]. Such appeared to him to be the result of the decision of the judges. The hon. member, however, agreed in the inexpediency of such committals, and should be happy to see the matter finally settled by a distinct enactment.

Mr. *James* contended, that it was not correct, to state that the Court of King's-bench had decided the question. The judges had not met it, but had determined most humanely, that the magistrates might starve the prisoners to death, if they did not consent to work at the Tread-mill.

Ordered to lie on the table.

ARTIZANS—MACHINERY—COMBINATION LAWS.] Mr. *Hume* said, he was well aware that the subject he was about to bring forward was one of the greatest importance, and attended, perhaps, with more difficulties than any he had hitherto ventured to touch. His object was no less than to submit to the House the propriety of appointing a committee to take into consideration the various laws which intimately concerned, in fact, the major part of the population of the empire. Two years ago, after presenting a petition signed by 15,000 persons, in London only, besides several other petitions from the country, he had given notice, that he should bring forward this question in the session that had last expired. He had found, however, that the subject had already been partially taken up by others, and that it was surrounded with more formidable difficulties than he had at first anticipated. At the end of last session he had given notice that he would, early in the present, fulfil his undertaking; and he had done so by the advice, and in hopes of the assistance, of a distinguished individual, whose recent loss the kingdom had to deplore [hear, hear!]. The late Mr. Ricardo was so well acquainted with every branch of the science of political economy, formerly, and until he had thrown light upon it, so ill understood, that his aid on such a question would have been of the utmost value. When he remembered the manner in which his lamented friend had always delivered his opinions, and the candour of moderation he invariably displayed towards his opponents, he might boldly assert, that there was not a member on any side of the House, who would for a moment deny the extent of the loss the country had thus sustained [hear, hear! from all parts of the House]. The general interest of the community was the single object he ever had in view, and through good report and bad report, he had pursued it with the meekest spirit of humility, and the most liberal spirit of inquiry. With regard to the principles which Mr. Ricardo was so capable of expounding, now that time had worn away many of the ruder prejudices against them, he might say, that not a few of those opponents, who had long theoretically resisted his doctrines, would at this time, though perhaps somewhat unwillingly, allow, that many of his predictions had been fulfilled. It was doubtless presumptuous in him to touch matters which his late friend had already so ably treated; and he only had given notice originally of his intention to bring this great subject under the consideration of the House, in the hope and expectation, that he should have enjoyed the benefit of his aid and counsel.

He was well aware that ministers, during the last session, had manifested a disposition to simplify the more complicated laws, and to repeal others which, though venerable from their antiquity, were no longer suited to the altered circumstances of the country. He therefore introduced the present question under favourable auspices; and, although it certainly was involved, that difficulty ought not to prevent the House from entertaining it for the public benefit. It would not be forgotten, that one of the most important measures to which Mr. Ricardo had directed his attention, was the Spitalfields-act, and those who were friendly to the principle of the change he suggested, still did not wish to remove the restriction, until it was seen what parliament intended to do on the subject of the emigration of artizans. In some points he (Mr. Hume) fully concurred with those adversaries of its repeal, and he was not less satisfied, that it was the duty of the House to take care that the question of the emigration of artizans was fully, and by no means hastily considered [hear, hear!]. His proposition was more comprehensive than he had originally intended it to be. It had been his design to review, in the first place, the laws preventing artizans from leaving the country; and, in the second instance, to consider how far the laws restricting the exportation of machinery ought to be continued, modified, or repealed. At the request of various members on all sides of the House, he had since agreed to add a third branch of inquiry, by no means the least important; namely, those statutes which interfered with contracts between master and servant, commonly called the Combination laws, they would be found to be more widely extended than was generally supposed. He hoped that at this time of day it was unnecessary for him to dwell upon the advantages of an inquiry of this kind; but it might be satisfactory to some hon. members, to state a few of the circumstances, that would be fully established by investigation, and on which would mainly rest the arguments in favour of a change in the present system.

As to the first head of inquiry, he had no hesitation in asserting, that every law ought to be repealed which shackled any man in the free disposition of his labour, provided that free disposition did not interfere with any vital interest, and thereby endanger the political existence of the state. As far as possible every man ought to be allowed free agency. He could not express his notions upon this point in any language so appropriate as that employed by Dr. Adam Smith, when adverting to the question of labour. His words were "The property which every man has in his own labour, as it is the original foundation of all other property, so it is the most sacred and inviolable. The patrimony of a poor man lies in the strength and dexterity of his hands; and to hinder him from employing this strength and dexterity in what manner he thinks proper, without injury to his neighbour, is a plain violation of his most sacred property." As the law stood at present, a gentleman of property might go over to France, or to any other country, and there spend his whole substance, or he might annually draw his income from England Scotland, or Ireland, and disperse it abroad without the slightest responsibility. Now, laws, to be just, ought to be general; but the poor man, whose whole wealth consisted in the art he had learned, and the strength he enjoyed, was unable to apply that art and that strength to the best advantage. By law, he could not go abroad, where greater encouragement might be offered. He was liable to be stopped on his road: and if any man before a magistrate ventured to depose that he had reason to believe that a certain artizan intended to go abroad, that magistrate might imprison the artizan, until he had given good security that he would not quit the country. He was thus unjustly deprived of those rights which others of more property, but of less intrinsic value, enjoyed. Such a principle at the present day could not be defended; though the time had been, when the sound doctrines of political economy were not understood, and when a permission to artizans to emigrate was looked upon as injurious. In despite of all penalties, it was now found, that artizans could not be restrained: a fine of one, two, or even five hundred pounds was insufficient to restrain them. If the mechanics were starving, and population redundant, the law was still inexorable; and he was compelled to remain in wretchedness in his own country, instead of being allowed to earn an honest subsistence abroad. Of late years, emigration had been recognised: nay, it had been countenanced by the legislature. Large portions of our redundant population had been sent to the Cape, to America, and elsewhere; because it was found that the labour of these people could not be beneficially applied in Great Britain. He maintained, that it was grievously unjust not to allow artizans to make the best use of their time and their talents, by removing to countries where they could find employment. This was certain, that the individuals would never think of leaving their native country, unless they were induced to do so by increase of wages or a general improvement of their condition; so that all those of the same class whom they left behind would be in a better situation by their absence. This was an unchallengeable, and most satisfactory conclusion. The restrictive laws had long existed; but of late they had only existed to be violated; and it was the business of parliament to take care that such acts as were not, and ought not to be obeyed were repealed.

The second branch of inquiry might appear to many of a more doubtful nature; namely, the propriety of allowing machinery to be exported; but it would be found on inquiry, as a part of our commercial system, to give way before the sounder, more liberal, and more enlightened principles of late years adopted. Perhaps this division of the subject might require more time and more testimony than either of the others; but every facility would, of course, be afforded, both to those who opposed, and to those who supported the modification of the law; and it would be for the House at large finally to decide upon the important question. He was quite satisfied that the change ought to be made: it was well known that machinery was now exported, and that great establishments had been raised in various parts of the world. Why then, instead of clandestine exportation, should not this country become the great manufacturer of machinery, thus adding to the rest a most important application of ingenious industry? The rude materials were cheap; and upon no branch of trade was there so large a profit; so that, by a change of system in this respect, we should at once employ capital, engage industry, encourage ingenuity, and promote even the general commerce of the nation. If, therefore, it could be shown, as he had no doubt it would be shown, that the policy of our laws had compelled foreign states to erect manufactures of machinery at a very high rate, and that they would willingly purchase machinery from us if they could do it free from danger, the valuable addition which would be so made to our commerce would be a sufficient reason for making some alteration in the present system. He could not help mentioning another strong inducement to the taking of some such measure. There was scarcely a single mechanical improvement that was not immediately protected by a patent. To obtain that patent a specification of the improvement discovered must be made out in such clear terms, as to enable any other machinist to understand it. Our own manufacturers could not, it was true, infringe the patent; but the Patent-office was open to the world, any foreigner that chose might obtain a copy of the specification; and, on returning to his own country, might take advantage of the skill of English workmen, to carry into effect the directions it contained. Thus, in fact, by our present restrictive law, we deprived ourselves of the profit we might otherwise acquire by the manufacture of machinery. He hoped he had made his intentions on this head sufficiently clear.

On the next branch of the subject, which related to what were usually termed the Combination-laws, he intended to be very brief. For many years past, the country had been burthened by a system of laws preventing the labouring classes of the community from combining together against their employers. Their employers, who, though few in number, were powerful in wealth, might combine against them, and might determine not to give them more than a certain sum for their labour. The workmen could not, however, consult together about the rate they ought to fix on that labour, without rendering themselves liable to fine and imprisonment, and a thousand other inconveniences which the law had reserved for them. The masters, on the other hand, could combine against the men; they were comparatively few in number, possessed every advantage of power and station, and could, at any time, agree among themselves, what rate of wages they would allow. The master shoemakers, the master saddlers, and many others, had adopted resolutions for this purpose; so that, in fact, the operators were completely at the mercy of their employers. Of course, this gross inequality in the law had been a source of perpetual dissatisfaction. Some of those persons, who were well satisfied with the state of things, without knowing exactly what that state was, professed to feel pride that, in the eye of the British law, all were equal —that high and low, rich and poor, were alike protected. It might be so theoretically; but, practically, and, in many instances, the case was directly otherwise. In this instance, the men were not protected against the injustice of their masters, while the masters were protected from the combinations of the men. It was said, that if these laws were repealed, there would be nothing but rioting and quarrelling between the masters and the men; but this he denied, on the authority of persons conversant in trade, who informed him, that a strike for wages never took place, except in cases where the men found their wages insufficient for their support, or under other circumstances of severe extremity. They were compelled to strike; so that the masters brought the evil upon themselves. It was also very important, in relation to this point, to mention, that it was the decided opinion of the hon. and learned member for Peterborough (Mr. Scarlett) that if all the penal laws against combinations by workmen for increase of wages were struck out of the Statute-book, the common law of the land would still be amply sufficient to prevent the mischievous effects of such combinations [hear, hear!]. The hon. and learned member had promised to be in his place to state this opinion, and he was sorry to observe that he was absent. However, among lawyers he believed there was no doubt upon the point. It was of great importance to consider, therefore, whether these needless laws, creating so many heart-burnings, and so much discontent, might not be safely abrogated. If the common law was adequate to all useful purposes, why had not these statutes been repealed long ago? The common, but not the very sensible, answer was, that it was difficult to deal with the subject; but he doubted whether so much difficulty would be found as was anticipated. It was clear that the workmen liked the present system; for at a meeting of the Spitalfields' weavers within the last fortnight, it had been carried by acclamation, that they were content that no change should be made. If there were any gentlemen who were aware of any disadvantages that would result from the sweeping away of the whole system of combination laws, he hoped they would take the trouble to lay them before the committee. He was fully aware of the difficulty of the subject, and of the prejudices which they would have to encounter in the examination; but he trusted that they should be able to overcome them all, if they met with the assistance of his majesty's ministers, and especially of that right hon. gentleman the president of the board of trade, who had taken such an effective part in removing the restrictions by which the commerce of the country had been long fettered. Without that assistance, he was aware that they could do nothing; but with it he was sure that they could effect a great and lasting benefit to the community.—The hon. gentleman concluded with moving,

"That a select committee be appointed to inquire into the state of the law in the United Kingdom, and its consequences, respecting artizans leaving the kingdom, and residing abroad; also, into the state of the law, and its consequences, respecting the exportation of tools and machinery; and into the state of the law, and its effects, so far as relates to the combination of workmen, and others, to raise wages, or to regulate their wages and hours of working; and to report their opinion and observations thereupon to the House."

Mr. *Huskisson* rose, not for the purpose of opposing, but of concurring in the present motion. He wished, however, to have it distinctly understood, that he held himself at liberty, on every part of this subject, to form his opinion upon the evidence which might hereafter be submitted to the committee. He acknowledged that, in much of the general reasoning of the hon. member for Aberdeen, he fully concurred. On the first head of the proposed inquiry which related to the granting permission to artizans to go abroad, he must confess that he entertained but little doubt. It appeared to him, that from the moment that the policy of our laws, no matter how numerous or how long enacted, was called into question, the *onus* of proving their necessity rested with those who undertook to maintain them; and when he spoke of necessity, he used the term in reference to the great and paramount interest of the community, and not to the convenience of any body of individuals, who either had, or fancied that they had, an interest in the employment of our artizans. He said, that every man was entitled to carry that talent which nature had given him, and those acquirements which his diligence had attained, to any market in which he was likely to obtain the highest remuneration, unless it could be shown that there was some paramount and overwhelming necessity against it. With respect, therefore, to the law on this subject, the question was, first, whether it was necessary, and then whether it was just and practicable? With regard to its necessity, he did not feel himself called upon to say a single word more than this; namely, that it had led to nothing else but perjury, as any man might now go abroad, who chose to swallow the custom-house oath. It was not just; because, the severe penalties it contained prevented those artizans, who had failed in turning their acquirements to advantage abroad, from returning back with them to their native country. He knew that at this very moment there were many manufactories in France, in which not merely the workmen, but also the masters who employed them, were British-born subjects; and he also knew, that many of the individuals so engaged abroad, would, in the fluctuations to which their trade had been exposed, have willingly returned to England, had they not considered themselves proscribed by this very law. He therefore repeated, that upon this branch of the subject he himself entertained but little doubt; he thought, however, that it ought to undergo investigation, if for no other reason, at least for this—that it would tend to remove many idle prejudices which at present prevailed regarding it.—With regard to the free exportation of machinery, he agreed with the hon. member, in thinking, that public opinion was more divided. For his own part, he had no hesitation in stating, that in general he concurred in the opinions which the hon. member had expressed upon it; and he would further observe, that if it were determined to permit the emigration of artizans, it would be more difficult than ever to prevent the exportation of machinery, as the machinery was in general of their invention. He could wish the attention of the committee to be directed to this point—can this part of the law be made effectual? He knew that at this very moment, machinery of the most cumbrous nature was exported from the country; and he agreed with the hon. member, in saying, that with the superiority which our artizans possessed over those of other countries in the manufacture and erection of machinery, we ought to take into consideration the demand for it which would be immediately created by allowing it to be freely exported. On that part of the subject, however, he wished to reserve himself until he had heard all that could be stated by those who were most interested in it; at present he had a strong opinion, that the country would be much benefitted by such a measure as the hon. member for Aberdeen appeared to contemplate.

With regard to the combination laws, he must observe, that it was a question of great extent and of great difficulty, and one which would require great industry, on account of the complicated system of law which it would be necessary to unravel. From the best attention which he had been able to bestow upon it, he was convinced, that the laws against combinations had tended to multiply combinations, and that they had greatly aggravated the evil they were intended to remove. From the moment those laws were made, the workmen saw the injury which they inflicted on them, and immediately began to consider by what means they could be best evaded. It was no slight objection to those laws, that they created between the employer and the employed, relations diametrically opposite to those which ought to exist, for they created jealousy, ill-will, and discontent, instead of that feeling of good-will that was calculated to make each party stand by the other in any period of mutual distress. To relieve itself from the numerous applications which the House received in periods of distress from the manufacturing interest, calling upon it to interfere between the masters and the men—to remove from the Statute-book some laws which were too oppressive to be executed, and others which it was impossible to execute—he thought that this inquiry ought to be instituted. He had not studied the question sufficiently to be able to say, that if all the combination laws were removed from the Statute-book, the common law would be able to meet all combination; but he should suppose that if a workman engaged to finish a given quantity of work in a given time, and did not finish it, there must be some law to punish him for his breach of engagement. So, too, in case of a conspiracy to deter individuals from working at a given rate of wages. It would be incumbent on the House to look narrowly into the subject: strong prejudices existed regarding it in the manufacturing districts, many of which had been engendered by the law itself, and ought therefore to be carefully and tenderly removed. He could not conclude without thanking the hon. member for Aberdeen, whose industry and diligence could be exceeded by no man's [hear, hear] for having undertaken this arduous task. He was not at all surprised that the hon. member for Aberdeen, in proposing this inquiry, should have regretted the loss which the House had sustained by the death of his valued friend, the late Mr. Ricardo—a gentleman, whom he had also had the pleasure of reckoning among his friends. There was no man who esteemed more highly the acuteness and ability of Mr. Ricardo than he did, and no man who more sincerely lamented his loss. In all his public conduct there was an evident anxiety to do what he thought right, to seek the good of the country, and to pursue no other object; and his speeches were always distinguished by a spirit of firmness and conciliation that did equal honour to himself and to his country. In conclusion, he remarked, that he was convinced that the diligent inquiry of the committee would produce a report which would enable the House to retain what was useful in the laws to which the motion referred, to clear from the Statute-book such of them as were useless, unnecessary, and impracticable, and to substitute in their stead such amendments as would best promote the commercial interest and glory of the country. [Hear, hear.]

The motion being agreed to, Mr. Hume named the following committee, observing that he should be happy to receive the assistance of any other members who were disposed to attend it—Mr. Hume, Mr. Huskisson, Mr. C. Grant, Mr. S.

Bourne, Mr. Attorney General, Mr. Grey Bennet, Mr. Dawson, Mr. D. Gilbert, Mr. Bernal, Mr. F. Lewis, Sir H. Parnell, Mr. G. Philips, Mr. P. Moore, Mr. Littleton, Mr. Stuart Wortley, Mr. Birch, Mr. Pares, Mr. T. Wilson, Mr. Egerton, sir T. Acland, and Mr. Hobhouse.

HOUSE OF LORDS.

Friday, February 13.

SINECURE PLACES — KING'S REMEMBRANCER.] Earl *Grosvenor* moved for an account of pensions, sinecures, and reversions granted during the last year. The motion, he observed, was precisely the same as that which he had made last session, with the exception of the necessary difference of the dates. This motion being agreed to, the noble earl proceeded to advert to certain offices, the abolition of which had been recommended by the report of the finance committee. According to public rumour, a new appointment to the office of King's Remembrancer of the Exchequer had been made, in direct violation of the principle laid down in the report of the committee, which recommended, that that and other offices executed by deputy should be abolished when the present interest vested in them should cease. The noble earl also referred to the offices of Clerk of the Pells and of the lord justice general of Scotland, and wished to know whether any regulations had been adopted with respect to them. As to the office of Clerk of Parliament, he recollected that the noble lord opposite had last year recommended the appointment of a committee, which would have to inquire into the duties of that office, parts of which, he understood, it would be proper to preserve; but he thought that no time ought to be lost in regulating it, and every other office of the same description.

The Earl of *Liverpool* said, that the whole of the circumstances to which the noble earl had alluded, as exhibiting a violation of the principle established in the finance report, were unfounded. Some of the offices referred to were to be regulated under the authority of parliament. One of these offices, that of Clerk of the Pells, had very important duties, which had hitherto been discharged by deputy. With regard to the office of King's Remembrancer of the Exchequer, the regulation of which was undertaken by the Treasury, its duties had also hitherto been wholly executed by deputy; but it was the intention of government that this course should no longer be observed, but that it should be executed altogether by the principal. The measures recommended by the committee being now undergoing a revision in order to their being carried into effect, a gentleman of the Treasury had, in the mean time, been appointed to the office of King's Remembrancer. But this was a temporary appointment, which had solely for its object the execution of certain duties which, by law, must be performed until the office be finally regulated. With regard to the office of Justice-general of Scotland, that was also one in which regulation was to be applied as speedily as possible. The regulation of the office of Clerk of Parliament lay chiefly with their lordships' House, and he had no objection to the subject being taken into consideration in the present session.

The Marquis of *Lansdown* observed, that it had been recommended, that bills should be introduced for regulating the offices referred to in the report of the finance committee, and he should have expected that they would have been brought in for that purpose as soon as possible, in order that the regulations might be made by act of parliament. As yet, however no such bills had come before the House.

The Earl of *Liverpool* reminded the noble marquis, that by the act of Parliament already passed, it was competent for the Treasury to make, in the offices pointed out, such regulations as appeared to be called for. This was to be done on the responsibility of the Treasury. What regulations ought to be made in the office of Remembrancer of the Exchequer, or any other office, could not be explained, until the alterations which might be necessary should be ascertained. In the mean time, it was certain, that no appointments were made to offices of this description, except such as were perfectly temporary, and indispensable for the execution of particular duties.

TREAD-MILL.] The Marquis of *Lansdown* wished to take notice of a report which had reached him, connected with the subject of prison discipline in general, but more particularly with the enforcement of hard labour previous to conviction. Nothing of this kind was understood to be contemplated by the act which came from the other house of parliament, and he was certain that none of their lordships who sat on the committee to which the bill was referred ever supposed that such an interpretation was to be given to the law. It was clearly understood, that the punishment of the tread-mill was never to be enforced except on conviction. On this subject, there had been no difference of opinion in the committee, and had it ever been supposed that any doubt could arise in the breast of the magistrates as to the sense of the clause authorising the employment of the tread-mill, he was fully convinced that it would not have hesitated to add a clause, making it penal for any magistrate to sanction such a principle as that of punishment before conviction. He would refer to the words of the clause, which had been adopted in the presence of twenty peers, among whom no doubt, whatever, prevailed as to its meaning. The clause made provision for the enforcement of hard labour as a punishment for convicts in prisons, and for the fair employment of others. The word "employment," being contradistinguished from hard labour, was a sufficient explanation of the meaning of the clause. He knew not whether any correspondence had taken place between the magistrates who entertained doubts on this question, and the home secretary, but certainly there could be in the legislature only one opinion on the meaning of the act. He hoped this misunderstanding would be corrected, and that a species of punishment, liable to no objection in itself, should not be perverted by an undistinguishing application. It was of the utmost importance, that the ignominious stamp of the punishment should be held up as a disgrace to be attached exclusively to guilt; and all persons in authority ought to be restrained by an express law, from otherwise applying it.

The Earl of *Liverpool* completely concurred with the noble marquis in all that he had stated on this subject. He perfectly agreed with him, that if the punishment of the tread-mill was applied previous to sentence, such application was a violation of the letter of the law. The distinction between employment before, and punishment after conviction, was most material; and he would freely say, that if any doubts really existed among the magistrates, they ought to be removed altogether by an act of parliament, if necessary.

HOUSE OF COMMONS.

Friday, February 13.

RECIPROCITY OF DUTIES—SHIPPING INTEREST.] The House having resolved itself into a Committee on the Reprocity of Duties act,

Mr. *Huskisson* adverted to the object of the Bill of last session on this subject, enabling the king in council to place the shipping of a foreign state on the same footing as the shipping of Great Britain, provided in the ports of that foreign state British shipping experienced similar advantages. His majesty had been also empowered by the same statute to impose countervailing duties in case any foreign state imposed duties upon any goods or shipping of this country arriving in the ports of that foreign state. It had been found necessary to exercise this last power with regard to the United States. Notwithstanding the act of 1822 had settled the permanent intercourse between our West India Islands and the United States, it appeared that the latter had continued the alien duty on the tonnage of the vessels as well as on the cargo, and it became requisite, therefore, for our own protection, to impose countervailing duties to the extent of those enforced in America. An order in council had accordingly been issued, establishing a duty equal to 94 cents per ton upon the ship, and of 60 cents per ton upon the cargo. This step had certainly been taken by the British government with regret and reluctance, for it was of course very desirous that the duty should be abated in both countries. He was happy to say, however, that the difference was at this time a matter of negotiation between the two countries, and that it had been entered into on both sides in an amicable spirit, with a view merely to secure mutual interests. The step taken by the king in council had not been the result of, nor intended to produce, ill-will in the United States. It had been called for by the justice of the case, and would be gladly retraced whenever the opportunity was afforded. The right hon. gentleman proposed three resolutions, formally to effect the objects he had stated.

Mr. *Robertson* expressed his decided disapprobation of the whole system of reciprocity of duties. He insisted that the course ministers were pursuing would be the ruin of the shipping interest, and especially called the attention of the House to the opinions delivered by the late Mr.

Marryat, whose long experience had supplied him with practical knowledge of the utmost value upon this great question. To the visionary theories of a speculative cabinet he had opposed the clear deductions of fact, and had shewn incontrovertibly that in the years 1821 and 1822, 22,000 ton of shipping had been built less than in the two preceding years; that 125,000 ton less had been employed, and 8,000 fewer seamen employed as a school for our navy. The president of the Board of Trade had combated this statement by a reference to the arrivals in Great Britain, forgetting that the increase in those arrivals was to be attributed partly to the improved intercourse with Ireland, and partly to our connection with the Continent, which enabled hundreds of small vessels to make many short voyages in the course of the year. As to reciprocity of duties, Prussia, Russia, and the northern powers, might be happy to join in the scheme, because it promoted their interests essentially; they could find materials and labour for ship-building at half our expence, and yet their vessels would be admitted upon the same terms as our own. With America, however, the case was different; she had already seen that her interests drew the other way, and while she laughed at the simplicity of Great Britain, she was too wary not to avail herself of the advantage it afforded. It had from time immemorial been the politic practice of every nation to tax foreign shipping, in order to prevent interference in any particular branch of trade. The carrying trade was the life and soul of the British navy, and the system now pursued would cut it up root and branch, and it was astonishing that the president of the Board of Trade was not aware of the consequences of the course he recommended. He yet trusted to see the House roused to a sense of the danger of the country from gross inattention to the interests of our shipping and seamen.

Mr. *Huskisson* said, he had not expected that on this occasion the principle of the bill of last year would be disputed; and, though quite prepared to justify all that had been done, he did not think that he was now called upon to do so. What the resolutions proposed to do was, in fact, in favour of the system which the hon. member so strenuously advocated.

The resolutions were then agreed to.

GROWING CROPS—IRELAND.] Lord *Althorp* rose to move for leave to bring in a bill to amend an act passed in the year 1816, enabling landlords in Ireland to distrain, as in England, the growing crops of their tenants. To this measure he could see no objection; for he was sure that the landlords themselves could have no desire to exercise this odious power, although, perhaps, their agents might. The object which he had in view was, to take from the effect of the act of 1816 all farms, the rent of which did not amount to 10*l.* a year. The landlord should still be left the same power as before of distraining cattle. This appeared to him to be an act of humanity to the poorer classes in Ireland; and it would have also a collateral advantage; for it must be manifest to every one acquainted with the condition of that country, that one of its principal evils arose from the great subdivision of farms, and the tendency of this measure would be to prevent so great a subdivision, and thereby remove to that extent one of the grievances under which Ireland laboured. He should therefore move, "That leave be granted to bring in a bill to amend so much of the 56th of Geo. 3. c. 88, in so far as it applies to the distraining on growing crops in Ireland."

Sir *J. Newport* seconded the motion, and remarked that, as an act of justice and humanity to the people of Ireland, the House should remove the power of oppression which at present existed.

Mr. *Goulburn* said, he did not rise for the purpose of opposing the motion. He should be sorry to oppose any motion which it was alleged was likely to afford relief to the people of Ireland; but at the same time, he did not mean to pledge himself to give his support to the measure in its future stages, or, on the other hand, to state that he should give it his opposition. But it was worth the consideration of those who introduced the measure, to examine whether there were any circumstances that rendered the extension of the measure necessary to Ireland and not to this country; and they should also consider whether in giving what appeared an advantage to the suffering tenant, by depriving the landlord of the means of recovering the sum which was due to him, they did not impose a greater evil upon the tenant himself, by destroying that credit which the landlord might otherwise have been disposed to give him. It was perfectly true, that the process of distraining was one of those cases which might easily be depicted as extremely oppressive; but if you deprive the landlord of the power of recovering, let it also be remembered that you destroy, in a great degree, the confidence which he might be disposed to place in his tenant. However, he should offer no opinion at present on the merits of the bill, nor as to the course which he might feel it necessary to adopt at a future period.

Mr. *Grattan* said, the measure proposed by the noble lord would not take away from the landlord the power of recovering his rent; it only altered the time. What the noble lord had proposed, was perfectly fair; namely, that a keeper might be retained on the crop whilst it was growing. In the part of Ireland to which he belonged, and where there were resident gentlemen, there was no disposition to distrain the growing crops; so that whatever it might be in other parts of Ireland, the neighbourhood to which he belonged was exempt from the evil.

Leave was given to bring in the bill.

South America.] Sir *J. Mackintosh* rose to give notice of a conditional motion of a very extensive and general nature. He did not know when he should bring it forward, but he believed it would be on an early day in March. It had reference to the relations existing at present between this kingdom and those countries in South America which had formerly belonged to the throne of Spain, and which had now, and indeed for some time past, become independent. He was unable to specify what the nature of his motion would be, or on what day he should bring it forward. He should therefore allow his majesty's ministers further time to make their arrangements; and should be happy to be relieved from the necessity of making his motion at all, by their taking some salutary measures on the subject in the interim.

HOUSE OF COMMONS.

Monday, February 16.

Usury Laws Repeal Bill.] On the motion, that this bill be read a second time,

Mr. *Davenport* rose to give to it his most decided opposition. The country had grown great and had flourished under the present system of law: where, then, was the necessity of altering it? Besides, the alteration proposed would be particularly disastrous to persons with small landed estates, and would absolutely ruin all those who had bought them ten years ago, when land was high, and when there was no objection to leaving part of the purchase money unpaid upon them. This bill might raise, but it could not lower, the present rate of interest; and as he felt more for the borrower than he did for the lender, he could do no less than move, as an amendment, that this bill be read a second time this day six months.

Mr. *Bransby Cooper* rose to second the amendment. The laws for the regulation of the interest of money, which it was the object of the bill to destroy, were, he said, in consistence with the whole of the English laws which had reference to employments in which chance was concerned. The same principle applied to insurances. In the preamble of the bill, there were no arguments in its favour. He thought it much better that the interest of money should be regulated by the present laws than, that all those salutary provisions should be swept away.

Mr. *Hume* said, after the observations which had fallen from the hon. member who spoke last, he should be sorry that the bill should go to a division, without some explanation being afforded of the mistake he had fallen into. The hon. member had said, that the Usury laws were consistent with the laws of England. Now, the whole tendency of modern legislation, as of the ancientlaws, was, to give the greatest freedom to bargains, and, to all sorts of mercantile transactions. The greatest benefit that had been conferred upon the country by any administration for the last thirty years, was that which had resulted from the enlightened policy of the present administration, in breaking down the absurd restrictions with which commerce had been previously shackled. The hon. member had referred to insurances; and it certainly did surprise him, that any one should adduce a reason which would lead to a result so contrary to that which he aimed at. There was no law to prevent underwriters from taking any premium on a policy which they might agree on with the insured. The analogy of the Usury laws indeed, should lead them to fix certain rates of insurance, without reference to circumstances; as, for instance, that the premium to the West Indies should be 5 per cent, to the East 7, and so on, which should never be varied according to the vessel, or to the season, or to a state of war and peace. The opposition to this bill was dictated by an erroneous view of the interests of the borrowers of money; whereas it was evident, that the freedom of contract was as advantageous to the borrower as it was to the lender, in the same manner as the freedom in policies of insurance was beneficial to the underwriters and to the insured. What would their situation be if, according to the idea of the hon. member, the rate of premium were fixed, instead of varying, as it now did, from 1 to 50 per cent? He agreed that in the cases of contracts for lending money as in other contracts, they should be such as could bear to meet the public eye, and that fraud and deception should be punished; but this they would be under the common law. He entreated the House, therefore, to press forward this measure, as the season for passing it was peculiarly favourable, at a time when the ordinary rate of interest was at between three and four per cent, and thus much below the rate fixed by law. The country was much indebted to the hon. and learned serjeant, for his perseverance in urging forward this bill, and he hoped he would now reap the reward of it.

Sir *J. Wrottesley* said, he should take leave to say a few words on the subject before the House, which was one of the most important that could be agitated, especially to the landed interest. The measure now before them was, to sweep away the laws which had been sanctioned by the experience of years. During that time, the uniform practice of the government of this country had been to prevent extortion and usury, by enacting those laws which some individuals now wished to be repealed. This country, instead of being injured, had been greatly benefitted by the Usury laws. Since the period of the last act, that of queen Anne, there was no country in which capital had accumulated to so great an extent as it had done in England; and yet they were now called upon to repeal laws, which brought the whole capital of the country into the metropolis. If they were repealed, it ought not to be on mere theoretical grounds: some practical good should be pointed out as likely to be effected by the measure. He contended, that those laws had done no practical injury to the landed interest. In times of distress, it was true, they borrowed money at a great disadvantage. But, it should not be forgotten, that when they gave redeemable annuities, those annuities might, in time, be taken up. The persons who now lent money to the landed interest at 3½ per cent, would, if those laws were repealed, change their demand with every fluctuation. Now they would have four, now five, now six per cent. In short, there would be no certainty in the money market. If, in time of distress, the landed interest could borrow money at 5 per cent, what would become of the commercial interest? In proportion as the security they had to offer was worse than that afforded by the landed interest, would the lender demand a more exorbitant rate—not less, perhaps, than ten or twelve per cent. In fact, the mercantile and manufacturing interests would be reduced to the utmost distress, if those laws were repealed. Let the House also consider the situation in which the government would be placed. During the last war, whilst the mutiny at the Nore was raging, when the Bank Restriction act was passed, and when the public funds were under 50, no difficulty was experienced in borrowing money: but he was convinced, if those laws had not then existed, that government would not have been able to raise the money which was absolutely necessary to carry on the affairs of the nation. They would not have had that preference in the market which they ought always to have; and they would have been compelled to pay an interest of 10 or 12 per cent. If, therefore, the repeal of those laws was calculated to starve the merchant and manufacturer, and to beggar the government, the House ought to throw out this bill, and that, too, by such a majority as would induce the learned gentleman never again to bring it forward.

Mr. *J. Smith* said, that the hon. baronet seemed to fear that the mercantile and manufacturing classes, and even the government itself, must suffer by the repeal of those laws. Now, without entering into much argument on those points, it might be enough to state, that the laws against usury had been done away all over Europe, and that no harm had occurred either to governments or to individuals; but, on the contrary, it was to be believed that the interest of all parties were much improved by that repeal. One or two circumstances had come under his own observation, which proved that those laws had occasioned the most destructive effects to families in this country, by compelling them to raise money by way of annuity. Money, like every other commodity, ought to be allowed to fetch its just value in the market. Now, if an individual wanted to borrow money, which, if these laws were not in existence, he might procure for seven per cent., he would be obliged, in his endeavour to evade those laws, to pay 13, 14, or even 15 per cent. The hon. baronet had only to refer to the evidence given before the committee, and there he would find those facts distinctly proved. The hon. baronet expressed some fears as to the situation in which the commercial body would be placed, if this bill passed. Now he (Mr. S.), as one of that body, must say, that he had not the slightest apprehension on the subject. He could solemnly assert, that he never had met a man for whose judgment he had any respect, who entertained a doubt on the question.

Mr. *Grenfell* said, that the chief argument against the bill was, that the effect of the repeal of the usury laws would be, to raise the interest of money. Now, in Holland, there never had been any restraint on money dealings; and he could state from his own experience, as well as from history, that there was no country in Europe where the rate of interest had been and was so low as in the United Provinces. He hoped, therefore, that his majesty's government would countenance this measure, which was in perfect unison with the liberal course of policy they had recently adopted.

Mr. *Huskisson* said, he had been a member of the committee to whom this subject was referred in 1818, and who had reported their sentiments to the House. The opinion he had formed in that committee he still entertained. Indeed, he had never varied from it. He need hardly say that it was entirely in unison with the object of the learned serjeant. He considered the Usury laws as only calculated to add to the difficulties of borrowing money, to increase litigation, and to encourage fraud.

The *Chancellor of the Exchequer* said, that when this question was brought before the House last session he voted against the proposition, not because there was any advantage in the principle of the existing laws, against which, on the contrary, many arguments could be advanced; but because he was not prepared to say that the moment had arrived when parliament ought to repeal those laws. He did not think that the opposition to the measure was now so strong as it was last year; and if it were desirable at all that those laws should be altered, he conceived the present period was as good as could be selected.

Mr. *Calcraft* said, it would be very difficult, he was aware, to defend those laws in point of principle; but, in point of practice, he must say that it would be dangerous, without a great deal more consideration, to alter those laws in a country where there was so general and so beneficial a distribution of capital, and where money was to be had at all times at a low rate of interest. If the learned gentleman with whom this measure originated thought, while government was in the market, that any change of the law would make the loan of money cheaper to individuals, he was very much mistaken. He believed the repeal of those laws would raise the price of money to government, instead of reducing it. Gentlemen seemed to suppose, that by carrying this measure, individuals would be saved from ruin, because they would not then be obliged to get into those annuity contracts under which so many families suffered: they believed that a complete end would be put to all ruinous money contracts. But it was utterly impossible to hope for any such result, unless, at the same time that those laws were repealed, they contrived to alter the conduct and temper of individuals. By repealing those laws they would facilitate the borrowing of money by extravagant persons, without conferring any advantage on the steady and industrious part of the community, whom they ought especially to protect. He was not on the committee—[The hon. member was here reminded that he was a member of the committee.] If he was on the committee, he had certainly forgotten the circumstance. He had, however, read the evidence; and if he had known that the learned serjeant's brat, which had been bandied about from session to session, was to have been taken up by government, he would have brought down that evidence, and proved that it did not bear out the view of those who supported this measure. No advantage had been pointed out that would at all warrant them in embarking on such a speculation. There was no country, not even Holland itself, in which wealth had so greatly increased as it had done in England, during the period when those laws were in operation.

Mr. Serjeant *Onslow* certainly could not congratulate the hon. gentleman opposite on the strength of his memory, for he had undoubtedly been a member of the committee; and it was equally certain that he had attended it. It was scarcely necessary for him to make any observations on the objections which had been made to this measure, after what had fallen from hon. gentlemen opposite, and his right hon. friends near him. The hon. gentleman who seconded the amendment had fallen into a great mistake about the origin of the Usury laws. Much of his veneration for those laws seemed to be founded upon a notion of their great antiquity; but he would probably be surprised to learn, that the taking of interest for money at all was proscribed by our early statutes as being contrary to Christianity. This was the uniform language of our early statutes. It had been said by the hon. baronet opposite, that the landed interest would be borne down by this measure; that in ordinary times money might be readily obtained upon mortgage; and that in seasons of difficulty recourse might be had to the system of raising money by redeemable annuities. Undoubtedly redeemable annuities could be resorted to: they had, in point of fact, been resorted to; but at what rate of interest? Why, at the ruinous rate of 10, 12, 13, and 14 per cent., for two, three, or four lives. This was the remedy which the hon. baronet preferred; this was the ruinous expedient of which he was so much enamoured! Not only had this expedient been resorted to at a period of difficulty, but estates had been actually sold at a time when scarcely a purchaser could be found in the market. He was satisfied, that the repeal of the Usury laws would be so far from being injurious to the landed interest, that no class of the community would derive more essential benefit from that repeal than the agricultural class. The objections which had been made to the measure, on the ground of its being injurious to the commercial interest, were equally unfounded. As to the expedient of borrowing stock to replace it, it had been no less ruinous than that of resorting to redeemable annuities. An hon. friend near him had mentioned a case to him—and this was far from being a solitary instance—in which a person had lost 30 per cent by borrowing stock to replace it. The object of his bill was, to place money contracts on the same footing as all other commercial transactions; to afford a full, fair, and open competition in the money market, and to allow persons to make their own bargains with respect to money, as they were at present allowed to make them with respect to all other commodities.

Mr. *Baring* said, that, after the general concurrence of sentiment which seemed to prevail on this subject, it was scarcely necessary for him to trouble the House with any observations. He could not, however, forbear saying a few words on a subject of such importance, involving, as it undoubtedly did, a change in our laws of very considerable importance. But though it was a change of considerable importance, it was a change which would produce no immediate effect; and it was because it would produce no immediate effect, that he conceived this to be the proper time for legislating on the subject. They were not now legislating on the subject of fixing the value of money; and, perhaps, a more favourable opportunity of doing away with those laws had not occurred in the last half century. It had been said, that a vast accumulation of capital had taken place, notwithstanding the existence of these laws. The fact was, that the accumulation of capital had gone on increasing, because the Usury laws as far as capitalists and monied men were concerned, were wholly inoperative. The invasion of these laws was so easy, that the monied interest had never been affected by them. Not so, however, the agricultural interest; and it was not without surprise, therefore, that he found this measure most vehemently opposed by that very class of the community, which, above all others, it was most calculated to benefit—he meant the country gentlemen. He really hoped, if it were only for the advantage of hearing what could be urged against this measure and that an opportunity might be afforded of removing the prejudices which were entertained against it, that this bill would be suffered to go further. Even if it were not possible to remove the prejudices of the country gentlemen, and to satisfy them that the measure was calculated to promote their interests, nothing would be more easy, when this bill came into the committee, than to restrict its operation to all classes of the community, except the agricultural; so that it might not extend to the loan of money upon mortgages. With respect to the interests of the merchant and the manufacturer, there could be no doubt of the utility of the repeal of these laws. It was equally certain, that the landed interest would be relieved, even above all other classes, by this measure; but, if they could not be persuaded of it, they might be exempted from its operation. What was the predicament in which the landed interest stood, during the whole of the last war, by the effect of the existing laws? While these laws were wholly inoperative upon capitalists, who could evade them, and upon the government who were borrowing at an usurious interest during the whole progress of the war, the landed proprietor could never raise a sixpence except by the most desperate usury, and while the rate of interest passed from 5 per cent to 5½ or 6 per cent with respect to other capital, it passed at once from 5 to 14 per cent with respect to landed security. The country gentlemen, therefore, were, in fact, more interested in the repeal of this measure, than any other class of the community.

Captain *Maberley* said, the hon. member for Wareham had asserted that, the policy of this measure was not borne out by the evidence given before the committee. Now, he had within these few days referred to that evidence, and he begged leave to differ entirely from the opinion of the hon. member. He should give his cordial support to a measure, which he believed to be founded on the soundest principles of commercial policy, and in the expediency of which the most enlightened statesmen, as well as practical men, had equally concurred. He need only refer to such names as those of the late sir Samuel Romilly, the late Mr. Ricardo, Mr. Sugden, and Mr. Rothschild.

Sir *W. de Crespigny* expressed his entire concurrence in the policy of the measure.

Mr. *J. Martin* considered the Usury laws injurious to all classes of the community; but more especially to the agricultural interest.

The House divided: For the second reading 120. For the Amendment 23. The bill was then read a second time.

Deputy Remembrancership of the Exchequer.] Mr. *Baring* requested to be informed of the circumstances under which Mr. Vincent, after the death of the late deputy remembrancer, Mr. Steele, had been appointed to this office.

The *Chancellor of the Exchequer* said, that Mr. Vincent's appointment was temporary. The law which came into operation at the death of Mr. Steele, did not provide for the abolition of the office of deputy remembrancer, or fix the manner in which the duties of that office should henceforward be performed. It only required that, whenever that event took place, the lords of the Treasury should determine what should be the future duties of the office, and what should be the extent of the emolument arising from it. The lords of the Treasury, accordingly, upon the death of Mr. Steele, lost no time in calling upon the barons of the Exchequer and on the chancellor of the Exchequer, to report to them as to the nature of the office; but the fact was, that the duties of it, from the nature and constitution of the Exchequer, were absolutely necessary to be continued until some new system could be arranged; and it was not very easy to decide by what system the business would be best done, and with least expense to the public. Pending this inquiry, however, Mr. Vincent had been appointed. He was required himself to perform the duties of the place, and allowed no deputy; and he was directed to receive the accustomed fees for the present, not keeping them for himself, but paying them into the consolidated fund; the lords of the Treasury of course reserving to themselves the power of giving him an adequate compensation for his labour. For himself, he was most anxious to regulate the office in that way which should be most conducive to the public service; and, whatever difficulty there might be in determining the precise mode in which the necessary duties should be executed, there could be no doubt they would be performed at a considerably less expense than they had been heretofore.

Mr. *Baring* professed himself satisfied with the explanation, and trusted that the new arrangement would amount to a complete remodelling of the Exchequer. It was high time that the country should get rid of a system of keeping accounts so cumbrous and so inefficient, that it might almost disgrace a tribe of Indian savages.

Dry Rot in Ships.] Mr. *Hume* rose to present a petition connected with the charges for the navy. The petitioner was a gentleman of the name of Burridge, who had lately written upon the subject of "Dry Rot;" and the petition stated very extensive injury accruing of late years from that disease to our shipping; insomuch, that nearly one-half the vessels in the navy were more or less visited by it; and several ships, the Lord Nelson, the Lord Howe, the Queen Charlotte, and others, had lately, upon a survey, been found to be entirely destroyed. The petitioner added, that it would appear, upon calculation, that, owing to this disease, the number of sea-worthy ships which at present composed our navy, was smaller than that which we had maintained in the year 1793; and prayed that the board of admiralty would take means to repress the evil. He (Mr. Hume) was desirous to know what the admiralty was prepared to do in this matter, which seemed to him to be one of the very highest importance. It was quite certain, that the English oak had not been used formerly to decay, as it did now. As for the coal tar, which had been supposed a remedy, he understood that it did nothing but mischief; it injured the health of the men, and did no good to the timber. He was informed that ships built in America, from wood felled at the season when the sap was not in the tree, were not subject to dry rot; or at least, not in the same degree with those built by us, from wood felled when the sap was in it. Whatever might be the merits of the petition, he thought there could be no doubt that the subject was one which demanded the fullest attention and discussion.

The *Chancellor of the Exchequer* said, he would put it to the hon. member, whether this was a convenient moment for presenting such a petition.

Mr. *Hume* said, he had no wish whatever to interfere with other business; and would therefore present the petition upon another occasion.

NAVY ESTIMATES.] The House having resolved itself into a committee of supply,

Sir *George Clerk* rose, to bring forward the Navy Estimates for the present year. He said, that after the great reductions which had already taken place in our naval department, he did not apprehend that any further ones were likely to be proposed. The vote called for this year was about 320,000*l.* more than had been taken last, because it was necessary to make some small addition to our present force. He anticipated no objection to this from the gentlemen on the other side, because their complaint for some time had been rather that our naval establishment was too low. The unsettled state of some parts of the world to which the commerce of England was now, with every prospect of advantage, extending itself, would fully account for the trifling additional expense which was contemplated; and in addition to this consideration, there was the probability that the piratical depredations in the West Indies, which now were entirely stopped, would recommence if our strength in that quarter was withdrawn; and the necessity for maintaining our power in the Mediterranean, as long as the present disputes existed between Turkey and her Greek dependencies. With respect to the petition which had been presented by the hon. member for Aberdeen, the subject was already under the consideration of the board of admiralty, who were not blind to its importance. The fact was, in some measure, that from the great exigencies of the late war, it had been found necessary to build ships without those precautions which would have been used under circumstances of full leisure. Timber had been used, in many cases, which was not sufficiently seasoned. We were now, however, using every means to avoid the evil to which the hon. member had alluded. Ships were built under cover; the timber employed was perfectly dry; and the coal-tar—as to the harmlessness of which he had understood the hon. member to be satisfied—was made use of, and, as was believed, with good effect. Independent of these precautions, an experiment was now making, whether the dry rot might not be prevented by immersing the wood in salt water before it was worked up; and he begged to state, that the comptroller of the navy, whose information upon the matter was much better than his own, would be fully prepared to answer, if necessary, all the allegations in the hon. member for Aberdeen's petition. The hon. baronet concluded by stating, that the extra charge of 320,000*l.* incurred, was to meet the cost of 4,000 additional seamen (making our establishment, from 25,000 men, 29,000, including a force of 9,000 royal marines), together with certain expenses arising out of the increased price of provisions; and by moving "That a sum not exceeding 885,950*l.* be granted for wages of the said 29,000 for 13 lunar months, at the rate of 2*l.* 7*s.* per man per month."

Mr. *Warre* wished to put a question with respect to the arrangements respecting the preventive service, which had established a sort of gendarmerie upon our shores. The high duties imposed in time of war were, now that France and England were at peace, operating as such a bounty upon contraband trade as no vigilance could withstand, and producing actually a regular guerilla warfare between the government force and the smugglers. We had now no fewer than 1,700 men employed in the preventive service, patrolling upon our coast. He wished also to know if, in case of any addition being made to the force appointed to the coast blockade, the additional forces would be put under the same commands as at present. There was one ship of war stationed in the Downs to watch over a line of coast so extensive, that the officer who there held control was either on horseback or in the boat, night and day continually, for weeks together. This he might do from his zeal and anxiety to complete a system of his own creation; but it was too much for the country to receive from the service of any one man. His only object, however, in rising, was, to know if any, and what portion of this additional force was to be put under the command of the gallant officer to whom he had alluded.

Sir *G. Clerk* said, that it certainly was the intention of government to continue the system of the preventive service as at present established, which, notwithstanding the remarks of the hon. member, had operated with most complete success. There had been one violent and bloody affray upon the coast of Kent, which had been much dwelt on by the opponents of the system; but it was merely the last desperate effort of the smugglers in that part, to defend their unlawful occupation against the encroachments of the preventive service. It was very true that captain M'Culloch had his whole heart in the success of the system, of which he was the contriver, and that his duties were of a very weighty kind, his command reaching in extent from Chichester, westward, to the Isle of Sheppy, eastward. Of the additional force now asked for, 630 seamen were to be placed under the superintendence and direction of that officer. The narrowness of the channel in this division made the running of spirits more easy than in other places. But he could safely say, that the greater part of the smuggling now carried on took place without the limits of the coast blockade. He admitted, that the high duties on spirits, rendered necessary by the large amount of taxes which must of necessity be raised, offered a great inducement for smuggling, and therefore the preventive service naturally operated less effectively in those parts of the coast which offered the greatest facilities for the introduction of spirits.

Colonel *Davies* doubted the last proposition of the gallant officer, that the amount of taxes could be augmented by such enormous duties on foreign spirits. And whether the surest mode of augmentation would not be considerably to reduce the duties; which would also enable them to get rid of that most expensive system of coast-blockade. By returns for which he had moved last session, it appeared that the expense was no less than 600,000*l.* in the collection of that branch of the revenue only. It was his intention, before long, to show how the revenue might be benefited, and the establishment reduced, by the adoption of a more reasonable policy. It was in vain to look for the extinction of smuggling to the preventive service. Those who violated the laws by the introduction of contraband goods considered that there was no moral offence; consequently there was no direct dread of ignominy in the punishments which they had to fear. There was nothing so prolific of crime (the laws concerning poachers always excepted) as the laws which went to the prevention of smuggling. As to the interests of the revenue, he pledged himself on a future day to prove that they were materially injured by the continuance of the present high duties.

Mr. *Hume* said, he was not satisfied with the addition of the navy, nor did he like the mode in which the accounts were laid before the House. It was impossible to choose any method in which mischief would be more likely to arise, than the combining of the preventive service, with the regular means of defence for the country. The House was kept from knowing the limits of either branch of the service; and if it were not so, it was next to impossible to ascertain the expense of collecting the revenue, and consequently, they were without the power of deliberating upon the propriety of keeping up particular kinds of duties: they were proceeding altogether upon an erroneous principle. Formerly the naval estimates were kept entirely distinct from the charges for collecting the revenue. The naval officers on their different stations were at hand, and frequently assisted in the caption of smugglers. It was no advantage to the character of English seamen to be identified with the collectors of the revenue: it was calculated to lower, rather than improve them. They would be anxious, for the sake of the additional pay and the milder kind of discipline, to get into that line of the service. He was anxious the House should know what was required for the defence of the country, and the exact force that was employed in the prevention of smuggling? and he should also be glad to have specified the expense attending the coasts of Scotland and Ireland, and whether it was to continue the same or to be reduced. He should be glad to hear it stated why it was necessary in the present year, to maintain a navy of 29,000 men. He remembered very well that, in the year 1817 or 1818, when ministers were urged to reduce the then existing establishment, a noble lord, now no more, used to say, "Recollect the situation in which we are placed: we cannot come back to the peace establishment of 1814, the affairs of the country are not yet settled;" but he also remembered that the noble lord invariably held out the prospect that, when that tranquillity should be established which he expected would have been the result of his measures, then a considerable reduction would be made; and now he could see no reason why this augmentation should take place. Last year the House consented to an increase of 4,000 men, in consequence of the situation in which the country was supposed to be placed. At that time a confidence was reposed in ministers, because no one could say how soon hostilities might have been commenced; the House were then ignorant of the intentions of ministers, and it was impossible to say how soon the country might be called upon to arm. But now things were quite different. Peace had been restored in Spain. The South American provinces were likely to remain undisturbed and unmolested. The manifesto of the president of the United States has set that question at rest. Thanks to him for that—but not to us. If we had had the manliness to speak out, much that had passed would have been prevented. But we were afraid to speak out: we were afraid of the Holy Alliance, who seemed determined to extend their arbitrary power over all the countries of Europe. But, if we were afraid to speak out our opinions and, if ministers had made up their minds that come what may, the interests of the country must be attended to; and, if they were still of opinion, that those interests were best consulted by preserving peace, then he would say, that unless the government were in possession of some information (and the House had seen how deficient they had sometimes been in that respect) which they had not disclosed, there could be no necessity whatever for maintaining such a fleet. If, indeed, they had any such information, let them speak out boldly, and not talk of the paltry necessity of a coast blockade. He was as anxious as any man to see our navy on a respectable footing; but before it was further augmented, he should like to hear some good reason assigned. It was irreconcileable in those who had proclaimed the prosperous state of the country, and the probability of that prosperity not being disturbed, to call for this augmentation of men. He considered it a wise policy to have preserved peace, and he wished, by husbanding our resources, to place the country in a condition best calculated to secure the continuance of peace, or to vindicate its interests and character, in the event of its being attacked by any foreign power. What motive, what apprehension, justified the proposed increase, he was at a loss to discover; as yet no reason had been given by those who proposed it. England at this moment had more ships and more men employed in her navy, than all the other powers of the world could, if united, furnish. Surely, then, the country had a right to know upon what grounds an increased expenditure, to such a considerable amount, was called for. The fact was, that from the system lately carried into effect in the management of the navy, parliament might pass resolutions, and the Board of Admiralty might issue orders, but it was impossible to get men. That difficulty had been felt very considerably for some time past; and, in consequence, ships commissioned for foreign service, had been detained for weeks, not having been able to obtain their complement of seamen. What was the reason of this disinclination to enter a service once the pride and boast of the British people? He was convinced that it proceeded from the regulations that had recently been acted upon with regard to that branch of the public service. By the tendency of those regulations seamen found themselves shut out from even the hope of promotion; no matter how distinguished and exemplary their services. All hope and energy was destroyed in that class of officers, from whom formerly our most experienced, and most valuable officers were taken. It was, however, but fair to say, that some deviation had, within the last three months, taken place on that head, and that some old officers had been appointed to ships. But the principle must be altogether changed, if the character of our navy was to be maintained. We must get rid altogether of that radical evil, which confined promotion to rank and influence. It was formerly the pride and the boast of every man who entered the navy, that he had open to him all the gradations of promotion—that talent and service were sure to conduct to reward and distinction. We were wont to contrast the character of our service with those of France and Spain, where no man was promoted unless he could boast high connexions at court, or could display a certain number of quarterings on his escutcheon. And yet, that very principle of exclusion which was then so much deprecated, was now acted upon, and constituted the radical defect in the management of our navy. Would it be believed that there were actually Orders in Council existing at this moment, which disqualified certain classes of officers from ever looking to promotion? He held a copy of one of them in his hand, and before he read it, he took upon himself to say, that if twelve naval officers were chosen by lot out of 500 in our service, eleven out of that twelve would declare, that such a principle of management must speedily bring utter ruin to that valuable branch of service. The order to which he alluded, was dated the 19th of January 1803. It was provided by that order, that no master or other warrant officer should look forward to promotion beyond that grade, with the exception of the schoolmaster. It was most strange that the schoolmaster, a man from his pursuits not devoted to the duties of a sailor, was the person in whose favour the exception was made, while masters, quarter-masters, and seamen, expert and conversant with all the necessary qualifications, were excluded. For them, no matter what was the nature of their deserts or services, there was no hope; and yet that had not been the opinion or the practice of some of the most distinguished officers in that branch of service. What had been the conduct of lord Howe with regard to that description of officers? That meritorious and highly distinguished commander actually promoted his master, on the victory of June, 1794, acknowledging that the success of the action was more to be attributed to the master than to himself. In what a situation should we find ourselves, if, by acting on a principle of exclusion, except where rank and connexion interposed, we closed every prospect of bettering their condition, and of obtaining promotion in the profession to which they had devoted themselves, to the great body of British seamen! It had been the subject of deep regret with the country at large, that a principle so opposed to those proud feelings which, in former times, had given an impulse to our naval arms, was so generally brought into practice. These were the practices which demanded the consideration of parliament, and the reform of which would give greater efficiency to our naval force, than any resolutions which went to increase the numerical amount. Remove those radical defects, and with 20,000 seamen, well officered, and the corresponding number of ships, the country would have an efficient navy, fitted for any exigency. He believed, that that principle of exclusion, as affecting warrant officers, was confined to the naval service, and was not acted upon in the army. Was there any bar to a serjeant being made a commissioned officer? He understood there was none; and that it was the practice, when such a person signally distinguished himself, to promote him. Upon what principle, then, was the warrant officer in the navy to have all hopes of preferment shut out, while promotion was open to military non-commissioned officers? These were considerations which must be brought before that House, until a complete change in the system was effected. Were that change effected, and proper advantages held out to seamen, in place of difficulty in making up the complement of men, numbers would flock to the standard of that first arm of our defence, whenever the public exigencies required an increase. But administered as it now was, with their hopes and expectations paralysed, the navy was unhappily looked upon as a kind of forlorn hope. Many causes contributed to produce that impression: first, the abominable system of being compelled to serve for life; next, that of impressment, the remembrance of the dreadful effects of which (though not acted upon in peace) it was impossible to efface. Then came the system of discipline, which placed at the discretiun of unfledged boys, the power of flogging any man they pleased, without the intervention of a court-martial. He felt quite aware of the difficulty that attended the discussion of such a question; but, whatever were the difficulties, it would become the duty of that House to grapple with them. He must repeat, that he saw no ground for the proposed increase; and though he knew that many members of that House (himself equally prepossessed) felt a strong disinclination to reduce such a favourite branch of service; yet, under all the circumstances, though he stood alone, he would, unless good reasons were assigned, divide the House. Better at once agree to a naval war establishment, than to go on from year to year, in passing resolutions for a progressive augmentation. He should therefore meet the proposition with an Amendment, that 25,000 men be substituted for the 29,000 proposed, in the grant before the committee.

Sir *George Clerk* observed, in reference to the statement of the hon. member for Aberdeen, that in the year 1817, his majesty's ministers had held out the hope of still further reduction in the naval branch, he could positively say the hon. member was mistaken. Indeed, there was no sentiment more general in that House, and with the gentlemen on the other side, who generally voted with the hon. member, than the apprehension that at that period the naval force was reduced lower than the public service warranted. It was, in fact, reduced below the state in which it stood at the hon. gentleman's favourite epoch, the year 1792. The hon. gentleman had assumed, that no reason had or could be assigned for the augmentation at present proposed, except the demands of the coast blockade. Now, it was in the recollection of the committee, that in proposing the resolution, he had adverted to the necessity of such an augmentation, from the state of affairs which, without any prospect of hostilities on our part, naturally grew out of the condition of the South American continent, our own colonies in the West Indies, and the actual war waging between Greece and Turkey. It was impossible for so formidable a power as Great Britain to allow the quarrels arising between inferior belligerents to interrupt her merchandise in the other hemisphere; and as large a force as the whole of the addition now asked, would be less than was required to restrain the petty piracies within the West-India seas. The difficulty of getting men for the ships, he was happy to inform the hon. member, was only imaginary—no ship had suffered any considerable delay on that account. As to the impressment which bound men to the service for life, the hon. member must be ignorant of the regulation which limited the period of service, in time of peace, to three years. When the exigencies of the state required it, men must be compelled to serve in the navy. In referring to the orders in council, the hon. member had neglected to quote a very important exception, which opened the line of promotion to masters who should distinguish themselves. The fact was, that no class of naval officers was so valuable as the masters, and therefore all that could be done in the fair regulations of the service, was done to retain them in their situations; but this was not without duly warning them, that in accepting the master's warrant, they excluded themselves from the direct line of promotion. The rules of the service gave as much facility to a foremast-man to advance himself as ever. As to unfledged boys enjoying too much power in the service, the present regulations did away all grounds for any such complaint. No midshipman could pass for lieutenant, unless he was nineteen years of age; and no officer could obtain a captain's commission unless he had served two years as lieutenant. This was all that he thought it necessary to say at present. If the hon. member chose to make the other matters of his speech the subject of a specific motion, of course he was at liberty so to do; but, after the triumphant answer which had been given to him in the course of last session by his gallant friend behind him (sir G. Cockburn), it was not very likely that he would return to the attack. [Cheers].

Mr. *Bernal* said, that if those cheers were intended to signalize the triumph of the gallant officer over his hon. friend, that opinion was allowable to those who thought with the gallant officer; but if they went beyond that, and presumed that the House or the service would be satisfied, he could assure them, from the little experience he had had, that no speech could be more unsatisfactory to those who were chiefly interested; namely, the officers of the navy. He was aware that the present regulations prevented raw boys from the indiscreet exercise of power, as commanders, in a greater degree than before, and he believed that the condition of the service was a thousand times better than ever it had been; but still there was much to correct, especially in regard to the principle upon which appointments were at present obtained. He could not, however, altogether agree with his hon. friend, that there was no cause of dread, and no reason for any alteration in our naval equipments, arising from the unsettled situation of the world. On the contrary, it appeared to him, that the political horizon was full of signs and indications of approaching danger. He was therefore willing to leave the naval preparations of the country to the discretion of ministers, as he had all his life approached that subject with the greatest delicacy and caution.

Sir *George Cockburn* said, he would not appeal to either of the hon. members, to know whether the speech which he had had the honour of making to the House in the course of last session was satisfactory or not to the officers in the service. There were several able and experienced officers in the House: if they were prepared to say, that there was any thing in the remarks which he had then made which was disagreeable to the service generally, let them get up and assert it manfully. He himself was intimate with some officers of the service, and probably had had as much experience to guide him, as to the general opinion of what he then said, as either of the hon. members. What he had then advanced, he now repeated; namely, that while the road of promotion was kept open to merit and enterprise, however obscure the station and origin of the parties, the navy would feel no jealousy whatever at seeing persons of rank and condition promoted among them. Let not the committee believe that the employment of officers of high rank and connexions was the source of any mean or undue jealousy in that service. On the contrary, the navy felt proud in having such men in the profession—they felt that it re-acted on all the members of the service. It was gratifying, it was useful, to have naval officers in that House [a laugh, and hear, hear!]. Never was the British navy in a higher state of efficiency than it was at that moment. Never were our ships, with reference to a peace establishment, better manned. Never were our officers more capable of sustaining and extending its character and its glory; never were more pains taken that men in command should possess the qualifications that fitted them for an able discharge of their duties. There was a mischievous practice of those good old times to which the hon. member alluded, which now existed no longer, of boys in their mothers' drawing-rooms being put on a ship's books, and thus serving their time without ever being at sea. It was in the memory of many persons, that in the American war, we had post-captains of seventeen years of age; but now no man could be made post till he was of proper age. Then it was in the power of an admiral to make his son, or his nephew, a lieutenant at sixteen or seventeen years of age; but now there was a difficult examination to go through, and if the candidate was not sufficiently skilled in navigation to sail the ship without the assistance of the master, he could not be a made lieutenant. With regard to the masters, of the impediments to whose promotion the hon. member complained, it was to be observed, that no other officer could become so at once; a lieutenant could not be made, nor could pursers or surgeons attain their respective ranks, without going through the previous steps in the royal navy; but a master, if he had sailed in a merchant ship and was competent, might be made a master at once; and on that account it was thought but just that to that rank he should be restricted, unless he distinguished himself. With respect to discipline, the hon. member should not mislead the House by asserting that boys might flog the men; that power was in the hands of the captain only; and as it was a power necessary, the House would see that it could not be lodged in more proper hands. When the committee bore in mind the number and the manner in which men were congregated on board ships, and the positive necessity of enforcing obedience and regularity, they would at once feel that such a power must be lodged somewhere, and they would find, that every vigilance was exerted to prevent any abuse.

Sir *F. Ommanney* supported the resolution.

Captain *Maberly* stated, that whether he looked to the assurances of the Speech from the throne, which held out hopes of the continuance of peace with foreign powers, or to the states of South America, now assuming an organised form of government, and therefore likely to be relieved from those disputes with neutrals, in which infant communities struggling for freedom were likely to be involved, he saw no ground for the proposed augmentation. Spain, without the assistance of a foreign power, could not renew war in South America. Our commercial intercourse, which had perhaps in the disturbance of revolution suffered, was now to be superintended by consuls, sent out for that special service. The natural expectation was, therefore, that the interference of naval officers would not be necessary as heretofore. What reason, therefore, existed for such an increase? The finance committee, whose reports were on the table, never contemplated a naval peace establishment above 19,000 men.

Mr. *Hume* asked, why ministers had allowed six British ships of war to remain in the Tagus, doing nothing, while there was only one at Lima?—Let the Board of Admiralty answer that. What cause was there at present for an extension of our naval force in South America? While the South American colonies were in confusion, and privateers were fitted out from those colonies, to attack the trade of all countries—then, where were our ships? Then, indeed, there might have been some cause for apprehension; but then, no efforts were made. Now, that those states were independent:—now that their independence was acknowledged to a certain degree, what fear could there be of their ships meddling with our trade at sea? As to the question, respecting the promotion of masters in the navy, he readily admitted, that if they were not qualified, they ought not to be promoted, and allowed to take the situation of lieutenants. But the order in council to which he had alluded, declared that they were not eligible even to be examined. If there was an order in council which stated that if masters were meritorious they should be promoted, let the gallant officer produce it, and he would not say another word on the subject. In all that he had said, his only object had been to uphold the navy, by advising that pre-eminent merit should always meet with its reward; which, if matters continued to be conducted as they had lately been conducted, it would not do. He had not met with a single naval officer who was not of opinion with himself respecting it. He begged the hon. baronet to put the question to any naval officers except those who were looking out for personal advantages; and he would soon ascertain the impression that had been made upon the navy, by what had fallen from the hon. baronet last session, respecting the expediency of promoting young men of rank and family. The general belief certainly was, that the hon. baronet had said, that when a young man of rank and family left the comforts of his home, and engaged in all the fag of the naval service, government were bound to promote him. If the gallant officer had said, that a certain proportion of such persons ought to be promoted, he (Mr. H.) would not object to it; but he could show that a much greater than the proper proportion had been so promoted. He thought that he proved himself the best friend to the administration, when he pointed out what appeared to him to be abuses, in order that they might either be explained or corrected. To return, however, to the main question. Nothing that had fallen from any hon. member had altered his opinion with respect to it. His majesty had told parliament, in the speech from the throne, that there never was a greater prospect of continued tranquillity; that all the foreign relations with this country appeared to be of the most amicable character. Why, then, was there an increase of 4,000 men in the proposed grant? He would take the sense of the House on the resolution; convinced as he was, that while it was our duty to maintain an adequate navy, it was also our duty to abstain from extravagant expenditure, and to husband our resources until the arrival of a time when we might be required to avail ourselves of them to their fullest extent.

Sir *G. Cockburn* wished still more particularly to deny the bold misrepresentation which had been made of the opinions which he had delivered in the last session. What he had most distinctly stated was, not that every young nobleman, or other man of family, ought to be promoted such an assertion would have been most absurd. The whole of his argument had been, that if it were proved that sufficient attention was paid to merit and service, the navy would not be jealous at seeing men of rank and family not only in their profession, but get on in it. As to the advice given him by the hon. gentleman, not to listen to those naval officers about him, who, expressed themselves satisfied with the proceedings of the naval administration, he might return that advice, and recommend the hon. gentleman, not to listen to those naval officers by whom he was addressed, and who, he might depend upon it, were, on the other hand, dissatisfied. He repeated, that, what he had said last session had been most boldly misrepresented, and he confidently appealed on the subject to the hon. members who had heard him.

Mr. Secretary *Canning* confirmed the accuracy of what had just fallen from his hon. and gallant friend. His hon. and gallant friend had never said—no man in his senses ever could think of saying—that the claim of individuals of rank and family to promotion in the naval service was a matter of course. His hon. and gallant friend had said nothing like it. The substance of what his hon. and gallant friend had last session said was, that it was for the good of the naval service, that it was for the good of the whole profession, and even that it was for the good of that part of the profession which had nothing but its services to depend upon, that its general respectability should be maintained by a due mixture in it of men distinguished by birth as well as by service; and that, provided a due proportion of promotion was given to merit and service, those who by their merit and service had earned that promotion, would look without grudging on the promotion of the others. And why? Because the character of every individual in the service materially depended on the general character of the service. In the naval service, as, happily in all classes in England, eminence must be combined of self-created merit, with original claims. The observation of his hon. and gallant friend had been, not that an invidious preference ought to be held out to induce young men of rank and family to enter the navy; but that, without some promise of reward, it could not be expected that they would leave the ease and indulgence of their homes, and that they could be allured to do so only by such a partial expectation of promotion, as would at the same time not be inconsistent with the just expectations of those, whose only hope of distinction arose from their merit and services. Some just excitement ought to be resorted to, to obtain the co-operation of those who, instead of injuring the navy by causing a proscription of talent and services, were the cause of a great good, by the sentiment which they diffused throughout it, and by rendering it a profession not only of men of gallantry and of skill, but of gentlemen. With regard to what had fallen from the hon. member for Aberdeen, respecting the inexpediency of any increase of our naval force, at a time when his majesty, in his speech from the throne, had expressed himself so strongly as to the probability of the continuance of peace, he begged to say a few words. Undoubtedly, there never was a time in which his majesty's government were more thoroughly justified, by the assurances of our foreign relations, in looking for a continuance of peace than the present moment. But it was equally true, that there never was a time in which so many points of importance were agitated; and in which it became the British government more vigilantly to take care that the continuance of peace should depend, not only on the dispositions we experienced, and on the assurances we received, on the part of foreign countries, but on the conviction impressed on all parts of the world, that we were able and ready to maintain our rights by war. It was impossible to look at the three great naval stations; he meant the Mediterranean, the West Indies, and now South America, and to contemplate the possible occurrence of events which might render a vigorous interference on our part necessary, and not be convinced, not only that it was the duty of the Admiralty to take care, that, in that event, the naval force of England on those stations should be equal to that of any other nation, friendly or otherwise; but that it might be necessary to provide means, by which the naval force of this country, on any of those stations, should outweigh that of any other nation; and, for that purpose, that there should be other stations from which additional strength might be at pleasure derived. If any person would calculate the strength which would be necessary to meet the demands to which he had alluded, in the event of their occurrence, that person would find, that the proposed vote was not only not beyond that necessity, but that its limited nature afforded abundant proof, that the state of the world gave his majesty's government additional confidence in the continuance of peace; without which confidence such a proposition would be insufficient.

Mr. *Hume* observed, that after what had fallen from the right hon. gentleman, he would not press his amendment to a division.

The original resolution was then put, and agreed to.

CLERGY RESIDENCE BILL—IRELAND.] Mr. *Goulburn* rose to move for leave to bring in a bill to compel, as far as was possible, the residence of the clergy of Ireland upon their benefices. He did not think it necessary upon this occasion to detain the House very long by explaining the particulars of the measure which he proposed. No one would deny that the residence of the clergy was, in all countries, beneficial to the inhabitants; but it was obvious, that the practice was still more necessary in Ireland, because the greater the difficulties under which that country laboured, the more requisite was it that a vigilant attention should be paid to the wants of its inhabitants. There was another point of view in which the residence of the Irish clergy seemed no less important; not only were they called upon to perform the offices of religion; but, in consequence of the absence of the gentry, they were required to minister to other than the spiritual wants of the people. The object of the bill which he proposed to introduce was, to effect this. In some cases he was aware that the residence must be dispensed with. These were either when the incumbents were compelled to reside on other parts of their benefices, or where the infirmities of nature caused their absence. He proposed to limit these cases to such as were strictly unavoidable; and to take care that an adequate provision should always be made for the administration of the incumbent's duties. By an adequate provision, he not only meant that persons should be employed, who should be duly qualified, by their moral character and acquirements, to be ministers of religion, but that their stipends should be suitable to the duties they would be expected to perform. He would shortly state, that the form of the bill would be in most respects similar to the existing law on the same subject in England. It would considerably narrow the grounds upon which a plea of exemption could be allowed, and provide that the stipends of the curates should be proportioned to the value of the benefices, and to the extent of the population under their care. The House would probably excuse him, from stating *seriatim*, the several provisions of the bill, and he thought he should best consult its convenience, by moving for leave to bring in a bill "to amend the laws for enforcing the residence of Spiritual persons on their Benefices."

Sir *J. Newport* expressed his readiness to concur in any measure which should be calculated to carry into effect the object of the right hon. gentleman, and he thought the best means of accomplishing that object would be by preventing the beneficed clergy from holding pluralities. There were instances in which clergymen, already holding five, or six, and even ten benefices, had obtained faculties by which they were permitted to unite to those benefices, three or four more parishes. By a reference to the episcopal returns, it would be found that lord Clifford, in the deanery of Armagh, held four parishes, in which duty was performed, and that he was in possession of 388 acres of glebe; he held also four other parishes, and in right of them 297 acres of glebe; but, in these latter parishes, no duty was performed. There was also another living in another diocess, consisting of five parishes, in none of which there was a glebe house, although there were 240 acres of glebe land. In the diocess of Clogher there was enjoyed in right of a living, 1,300 acres of glebe land, though there was no glebe house; and in that of Meath, five vicarages, containing 2,600 acres were in the same situation. The only way, he thought, of procuring the residence of the clergy would be by doing away with these monstrous pluralities, as he would call them, The law, as it stood upon the Irish Statute-book, prevented the bishops who were inclined to do so, from dissolving these unions. The bishop of Cloyne had publicly expressed his regret, that he was prevented from doing so by the act of the 21st of Geo. 2nd, which forbad such dissolutions, that the value of ecclesiastical dignities might not be diminished.

Mr. *Hume* expressed a hope, that in the event of the bill in question being passed into a law, care would be taken to insert a clause depriving the bishops of the power of granting faculties. By such a regulation, the right hon. secretary might do some good; but, so long as they went on in the present course, all they could do was to keep patching and piecing a system which must eventually crumble and fall to pieces. He felt satisfied that nothing effectual could be done, until they new-modelled the whole church system in Ireland: until they reduced the sums paid to the clergy at least by one-fourth, nothing effectual could be done. Let them look to the history of this country, and they would find what had been done. More acts of parliament had been passed in this country, for the purpose of regulating the clergy, than had been passed with reference to any other public body of men. He used the words "public body," because he considered the clergy to be public servants. He repeated, that many acts of parliament had been passed, and much trouble had been taken, in order to make them do their duty, but without effect. In Ireland it was useless to introduce new regulations, unless they took some such steps as had been already pointed out.

Mr. *Dawson* said, he felt bound to object to any interference with church property in Ireland. That property ought to be held as sacred, as the church property of England, and was entitled to equal protection. If once they meddled with the one, inroads would soon be made upon the other also. He wished also to protest against insinuations which had been thrown out, that the Irish clergy did not do their duty. If gentlemen looked about them, they would find that the Irish clergy did their duty in a most exemplary manner. They were assailed on all sides, but still they persevered in one undeviating, straight-forward course. Let any man look to the Irish clergy, either as ministers of the gospel, as magistrates, or as citizens, and, in each capacity, he would have reason to praise their moral and upright conduct. It might so happen, that a parish was neglected, or that an union existed which ought to be dissolved; but the right hon. baronet must be aware, that in a great many instances the union of parishes had become indispensable; as it was found impossible to procure an attendance at the churches which would be established by a subdivision. This, however, was a matter which had not escaped the attention of the bishops of Ireland. They had found it necessary, in some instances, to dissolve unions; and, no doubt, they would continue their inquiries as far as they were found necessary. But he stated at once, and broadly, that it would be impossible to dissolve all those unions.

Colonel *Trench* said, that the Bill about to be introduced was of vital importance to Ireland; its object being to ensure the permanent residence of competent persons in the different parochial districts. He deprecated the alterations proposed by gentlemen on the other side—alterations which, if once introduced into the sister country, would soon extend themselves to England, and at once create a revolution in the whole Church property of both countries. He did not pretend to deny that there existed abuses which required amendment, but then these abuses must be approached, not rudely, but cautiously; the alterations called for, must be made by a delicate hand; they must be effected, not suddenly, but slowly, and with the utmost circumspection.

Mr. *Butterworth* said, he had good reason to believe, that in Ireland many persons frequented Roman Catholic chapels, and ultimately became Roman Catholics, solely because they had no Protestant churches to go to. He had himself seen in Ireland the ruins of many churches, which had been allowed to go to decay, in consequence of this union of parishes. He hoped something would be done to remedy the evils caused by these unions, and by other parts of the existing system in Ireland.

Mr. *Goulburn* said, he felt it necessary to object to the two points dwelt upon by the hon. Gentlemen opposite; namely the, reduction of pluralities, and the interference with the Church establishment of Ireland. The question with respect to the church livings in Ireland had been so ably supported and opposed elsewhere, that it was unnecessary to discuss it on that occasion. With respect to the other evil alluded to, he was happy to state that the subject had not escaped the primate of Ireland, who fully felt the inconvenience of pluralities in many instances; and he had laid down a rule, that where the union was dissoluble, the occupant was not allowed to hold any other. This was enough to shew that the state of Ireland was not what it was a hundred years ago; and he was sure both the right hon. baronet, and the hon. member for Montrose, would agree with him, that at no time had greater improvements been made in our

Church establishment than within the above period. That improvements were required, he did not deny; but it would be idle, and worse than idle, for any man to expect that a state of things such as was desired could be brought about at once, and by a single act of parliament. They must proceed cautiously, and by degrees; otherwise they would do injury instead of good. He should, in a few days, have to lay before the House a measure instituted by an Irish bishop (though he believed the measure would originate in the other House), for the repeal of a union by act of parliament. This the reverend prelate did at his own expence. [A laugh.] Gentlemen on the other side might laugh, but this was no uncommon circumstance. There was not an Irish prelate who would not adopt a similar course, under similar circumstances. The clergy of Ireland had the power to increase as well as to diminish unions: and, within a few years, they had dissolved many. It was in the power of the prelate, with the consent of the incumbent, to erect a chapelry, or separate curacy, in a union; and this had been done in several instances, the bishop making an allowance to the curate during the life of the incumbent. Whatever opinions might be entertained upon the general question, upon this at least all must agree, that it was necessary to take such measures as would secure a resident clergy, or else provide an efficient curacy with an adequate stipend.

Leave was given to bring in the Bill.

HOUSE OF COMMONS.

Tuesday, February 17.

GAME LAWS AMENDMENT BILL.] Mr. *Stuart Wortley* rose, in pursuance of notice, to move for leave to bring in a bill to amend the laws for the preservation of Game; and, though he knew, he said, that the House was anxious to get to the very important business that was fixed for the evening, he could not pass over his motion without some remarks; for there could be no subject more important to the comfort, to the morals, and the well being of the people of this country, than that to which it related. He professed himself, from his station in life, to be a country gentleman, and had been a strict preserver of game in a part of the county where it was extremely difficult to preserve it; yet he was persuaded, that the fears of his brother country gentlemen on this subject were perfectly unfounded, and was convinced that these laws might be so amended, as to enable individuals, who were anxious to preserve their game, to preserve it with greater ease and satisfaction to themselves, and with less prejudice and detriment to the country, than they could ever hope to do under the present system. Game had hitherto never been considered in this country as property, but had been protected by a code of law peculiarly its own. Now, the first principle of his bill was, to bring game as near to property as it was possible, consistently with the nature of it, to do. From this first principle followed a permission to dispose of game in open market; for, after the evidence which had been submitted to a committee of that house, and which had since been promulgated throughout the country, it would be madness to suppose that game was not sold, and as regularly supplied to the market as any other luxury. Indeed, after the report of the game committee, no delicacy of feeling could prevent any man from purchasing game; and it was quite evident that no blame could possibly attach to any of their friends in large towns, who thought fit so to purchase it. He did not apprehend any of the evil consequences which some gentlemen anticipated from legalizing the sale of game. His bill would make game the property of those who were owners of the land; his intention, however, was, that no persons should kill it but those who had licenses to do so. His intention also was, to do away with all qualifications, or rather to reduce the law respecting them, as nearly as possible, to the state of the law in Scotland, which he had never heard complained of by any one connected with that country. By the law of Scotland, every man who had a plough-gate of land, had a right to give other persons leave to come and shoot on it. He should not now enter into the inquiry what quantity of land should give this right. He should also propose, that every person having a certain quantity of land might appoint as many persons as game-keepers to kill game, as he pleased. At present, lords of manors only, had a right to appoint game-keepers; and a lord of a manor could only appoint one game-keeper, with a right to kill game, though he might appoint others to preserve it. Persons who trespassed to kill game he should make liable to a pecuniary penalty, to be levied summarily: and if, when warned to leave a property, they did not go off, they would be liable to be apprehended. If they refused to give their names they would be liable to be apprehended; and if they gave false names, they would be liable, on information, to severer penalties. He placed much reliance on the change of feeling which would be produced by making game property saleable in a lawful manner; and it would, he imagined, ere long, become as disreputable to steal game as it was to steal wood or turnips. The house might be desirous of knowing how the bill would deal with those persons who now carried on an occupation which led them into more vice and misery than any other occupation, he meant poaching. On those who went out at night to kill game he would impose a penalty, or imprisonment, which would go on increasing till the third conviction, which would subject the offender to transportation. After the first offence, he proposed that the offender should be bound in recognizances, and securities of his friends, that he would not again offend in like manner. The same plan was resorted to in other cases, and it was always found to have the best effect; for nothing was so likely to prevent a man from violating the law, as the idea that his friends were bound over for his good behaviour, as well as himself. He was not aware that it was necessary for him now to enter further into details. The guiding principle of the bill, he repeated, would be, that game should be brought as nearly as possible to other property. He saw an hon. friend of his (Sir J. Shelley) opposite to him, and he entreated him and others who thought, that because there was game now, there was not likely to be any if any alteration were made in the law, to consider whether the present mode was likely long effectually to preserve it, whether poachers were not daily and hourly increasing, and in spite of their heaping law on law, and severity on severity. He knew some gentlemen had said respecting the evidence taken before the committee, that it might be all very true, but that they heard nothing of the kind before. Now, he took leave to assure them, that the more they made inquiries on the subject, the more they would find the evidence to be strictly true. He concluded by moving "for leave to bring in a bill, to amend the laws for the preservation of Game." [Hear, hear.]

Sir *J. Shelley* did not rise to oppose the bringing in of the bill; but he must in the outset, protest against the principle on which it proceeded. If this bill was carried, game would soon disappear, and those field sports to which country gentlemen were so much attached, would be effectually destroyed. On the second reading, he should certainly take the sense of the House upon it. He begged of his hon. friend to put off the second reading for some time. Gentlemen in various parts of the country were extremely anxious on the subject, and an opportunity ought to be afforded them to state their sentiments. Let not gentlemen suppose that game alone would be affected by the proposed alteration. The fact was, that if it were carried, fox-hunting also would be destroyed.

Mr. *S. Wortley* was desirous to obtain the opinion of all persons who were concerned in the measure, and with that view would allow as much time as he could conveniently. But his hon. friend would recollect, that besides the class he had alluded to, there was a very large body of persons, namely, the public, who were interested in this measure. It was undoubtedly of importance to that body, that the question should be decided as early as possible.

Leave was then given to bring in the bill.

CONDUCT OF MINISTERS—NEUTRALITY BETWEEN FRANCE AND SPAIN.] Lord *Nugent* said, that in laying before the House the grounds of the motion of which he had some days ago given notice, he must begin with stating, that he did not mean to animadvert on the vote to which the House had agreed on the first night of the session. This, however, he must say—that with respect to that part of the address of his majesty's ministers which regarded the neutrality of this country between France and Spain, he felt entirely with his hon. and learned friend (Mr. Brougham), who on that night had so forcibly and so eloquently expressed his sentiments—he felt with him, that it was very difficult indeed to concur entirely in the terms of an address which could see nothing but a subject of congratulation in the result of the policy pursued by this country during the war which had just terminated. He thought, on the one hand, that the policy which government professed to adopt towards Spain, was, from the outset, very little suited to the high and energetic tone which this country ought to assume to herself; and on the other, he could not help thinking that our conduct, in not adhering to that intended policy, had been most insincere and unworthy. He could not persuade himself, but that the course taken by ministers had been most hostile to the cause of Spain—that cause, with reference to which they had expressed themselves determined to remain neutral on several occasions. This country had been exposed, in consequence, to the reproaches of every friend of liberty, and to the scorn and contempt of those powers who had, unfortunately, triumphed against the freedom of Spain. The result had been as injurious to the interests of England, as to those of the conquered country. He could not but deeply lament, that Spain had been allowed to fall almost without a blow. She was not ruined by the actual hostility of this country; but by being, as he believed she had been, deceived by the hollow professions of neutrality which were held out by this country. He did not think he could fail in making out a case for the production of the papers which he meant to conclude by calling for.

He thought it right to state, that in the course of his observations he meant not to contradict, in any respect, that part of his majesty's speech in which it was said, "that, in the strict neutrality which he determined to observe in that contest, he best consulted the true interests of his people;" but he would argue, that in the course of those transactions, the government of this country had made themselves parties against Spain, at the most critical and important moment of her history. The last session had come to a close, without this House being able to look fairly at the character of the neutral policy as it was called, which had been adopted. Unanimous as they were at that time, in their disapprobation of the unjust and violent aggression which was then meditated against that state, it was impossible for them to foresee the conduct which ministers meant to pursue. They were prepared for ministers declining to take any part in a foreign quarrel, although in that quarrel were involved questions of principle most important to England—most important to all free states—questions of principle on which, indeed, the independence of all free states mainly rested: but they were not prepared then for a gratuitous departure from a professed neutrality—they were not prepared for a course of conduct which was every way injurious to our interests. The language of ministers had led them to suppose, that if they did not take that more generous part which appeared to some better befitting the ancient character and liberal policy of this country, they would not, at least, descend secretly and covertly to become the partizans and assistants of France in her unprincipled aggression. How far they had done so, was now to be inquired into. The useless regrets which had been expressed by the other side of the House—the vain lamentations which had been poured forth over the fate of Spain—were but a poor atonement for the evils which, he believed this country had so mainly contributed to bring upon her. They could not disguise from their own feelings this fact—that owing to the course which had been taken, ministers must be considered as the principle spoliators of the peninsula. They had given to the French those advantages which they well knew how to make use of; and, by doing so, they had given up the strongest grounds of the prosperity and security of their country.

He meant not to advert to what had taken place last year—he would not touch on the many compliances which were then unfortunately made by ministers on questions of principle the most essential to our welfare as a free state—he would not allude to the abandonment of all those real and effective means which this country possessed, of giving a support worthy of England to those rights—of giving a support worthy of England to that constitutional system of Spain, to which, be it remembered, we gave our solemn sanction, in 1812. He would not ask now, whether, if a bold and decisive tone had been used at the congress at Verona, it would have saved Spain, without the necessity of this country embarking in a war: neither would he ask whether, under any given circumstance, it became England to stand by patiently, with her eyes shut to the cool disregard with which his most christian majesty treated our protest. These questions had been decided last year, and he would not introduce them now. He would merely demand, was this system of neutrality the fit policy for this country to pursue? He believed it was so considered by the great bulk of the English people. All that he meant to say was, that this ground, low and humble as it unquestionably was, ministers had since abandoned. What was considered at Verona as a possible ground for the interference of this country, if it occurred, had actually taken place. Yet we had not only not opposed France, but we had absolutely assisted her. We had allowed some of the most important privileges of our trading system, and even the honour of our flag, to be invaded with impunity. The possible cause of our taking part in this war was foreseen at Verona. That cause was, if circumstances imparted to it the character of a war of annexation. That was looked upon as a ground which would inevitably lead us to take a part in the contest. It was evident, from various acts of the French government, that the war did assume that aspect. No sooner did the duke d'Angoulême become aware of the difficulty of advancing into Spain — no sooner was he made acquainted with the vast expense which was occasioned by that servile body in Spain whom he had himself agreed to support—than, by a public edict, he had declared his object to be to take possession of Spain. He alluded to the edict published at Andujar in the beginning of August last. The duke d'Angoulême had then declared the power of the Spanish regency at an end, and he had called for the military, as well as the civil authority of the government to be placed in his hands. Did he blame the duke d'Angoulême for this act? No. He believed it was founded in humanity, and was demanded by the most urgent and immediate necessity; but he must say, that it was a declaration, as strong as terms could make it, that the real object of the war was the annexation of Spain as a province of France. This was not a mere vain empty proclamation on his part. The edict of Andujar was not in general circulation through Spain, when, in point of fact, the French flag was hoisted on almost every town in the Peninsula. They certainly could not praise the good faith of France on that occasion; because, on crossing the Pyrenees, a proclamation was issued by the invading army, promising the Spanish nation, that no flag but the Spanish flag should be hoisted in such towns as might be garrisoned by the French. But, no sooner was the proclamation of Andujar published, than the whole character, appearance, and object of the war with Spain was altered; and the duke d'Angoulême became virtually viceroy of the Spanish provinces. But the British cabinet had declared, in those famous notes of instruction (of which they had heard so much last year) from the right hon. the secretary of state for foreign affairs, to the duke of Wellington, that "come what come may, this country would never assist France in the invasion of Spain." But how was this declaration adhered to? On the issue of that question he would rest his case. "Come what come may, this country would never assist France in the invasion of Spain," was a tolerably strong phrase; and he remembered the cheers with which that declaration was received, when it was propounded to the House by the right hon. secretary as part of his instructions to the duke of Wellington. But, in less than a month afterwards, what was their surprise, and that of the poor, sacrificed, betrayed people of Spain, to see the British minister, accredited to the Spanish government at Seville, throw himself into the hands of the duke d'Angoulême and the French government; and stating the ground of that step to be, an act which the Spanish cortes had done in the management of the internal affairs of Spain! The moment sir W. A'Court withdrew himself from Seville, it might be said that this government had published a proclamation against the liberties of Spain. A distinct indication of a hostile feeling was thus manifested. Was that withdrawal, or was it not, an indication of a hostile nature? Did sir W. A'Court withdraw himself from the Spanish government, in accordance with instructions which he had received from home? If he did not act in consequence of instructions from home, why was he continued? Having withdrawn himself under such circumstances, and at such a moment, when perhaps the fate of Spain hinged on the conduct of this country, why was he not recalled—why was he not impeached by ministers, if he had acted without orders? If he took this step in consequence of instructions from home, then he contended it was contrary to all our professions, to all our arrangements, to all our previous declarations, to all our pledges of good faith.

This country appeared to have evinced a hostile feeling towards Spain, because the cortes, in the legal exercise of their unquestionable authority, had declared the king, for a time, incapable of exercising the royal functions, and appointed a regency for the special and only purpose of removing the seat of government to Cadiz, where the king was again to be restored to his authority. In doing that act, the cortes exercised their undoubted right. Were they, the parliament of England, the persons who ought to question the legality of such a proceeding, in common with sir W. A'Court? Did they forget the act of the British parliament in 1810-11? In adverting to that subject, he felt the delicacy of the ground on which he trod; and God forbid that he should for a moment think of introducing in the same sentence the name of our late sovereign—a sovereign generally revered and beloved, who, at the close of a long reign, was struck with the heaviest calamity that could afflict our nature—God forbid that he should be capable of introducing his name along with that of a wretch, who, unfortunately placed on a throne, was the scourge and abhorrence of his people—who visited them with the basest ingratitude for all that they had done, and for all they had forborne to do—who afforded the most finished specimen that perhaps ever existed in human nature, of all that was base and grovelling, perfidious, bloody, and tyrannical. And therefore he was a fit object for the tender sympathies of those powers who venerated divine right and adored legitimacy! The circumstances which led to the conduct of parliament in 1810, and those on which the cortes had acted in 1823, were different: but, the exercise of power was the same. Now, had the cortes of Spain that power, or had they not? And was sir W. A'Court a fit judge of the circumstances under which that power ought to be used? If, in 1810, the minister of any foreign court had withdrawn himself from London, on account of the Regency act—if the Spanish ambassador had objected to that measure, and cited it as a reason for quitting the metropolis—if he had said, that he was accredited to the king, and not to the regent, should we not have considered such a minister as either insane, or as having been instructed by his government to manifest a hostile feeling? He would not advert to the case of the convention parliament, which was a self-constituted body. The cortes had not assumed such a power as that parliament had wielded. The cortes distinctly said, "the king is incapable for a time to exercise the royal functions, but we will provide for his immediate restoration, when he is in a place of safety." Yet it was on this account that sir W. A'Court abandoned the Spanish government, to which he had been accredited.

Then came the three celebrated notes of the allied powers—England, in the person of sir W. A'Court, following in the train of those three powers, whose principles she had previously disclaimed, and against whose conduct she had protested. Yes, she had followed in their train at an humble distance, but with the most fatal effect. He did not think that ministers could be insincere enough, and base enough, to warrant this proceeding; but certain it was, that sir W. A'Court had not been recalled, to answer those charges, which, if this country had not acted with the basest duplicity towards Spain, they were bound to investigate. No set of men were so particularly interested in examining the conduct of sir W. A'Court throughout these transactions as the ministers of this country. He hoped that much better opportunities would be given to that House, by the production of the correspondence with the Spanish government, to ascertain clearly what the real conduct of sir W. A'Court had been. Any thing which he could state on this subject must rest only on bare assertion; and, whatever credit the House might be prepared to give to his statement, it could not be considered as a ground for any proceeding when tangible documents were producible. Full, however, as sir W. A'Court was of his unabated desire to mediate, at any moment, in a spirit friendly to Spain, he always contrived to place himself in a position where mediation was impossible. He allowed the time to pass away, when the government left Seville, until the blockade of Cadiz was commenced, which effectually prevented him from proceeding to that place, and he knew very well that Cadiz alone was the proper spot for negotiation. Where was sir W. A'Court from the period of the government leaving Seville, until the period of the investment and blockade of Cadiz? He was at Seville with the French army—the army of the faith, and the servile army. He was at Seville, where he must have known the encouragement which he was giving by his presence to the servile army. He would state a circumstance which would show the effect sir W. A'Court's presence had on the servile party. No less a proposition was made to him by an infuriated and sanguinary mob, headed by their priests, than that he should be made governor of Seville in the name of the absolute king! The offer was declined, by his stating, that if so preposterous a proposal was again made to him, he must leave Seville. But why, he demanded, had he remained one moment in Seville with the French army, the servile party, the priests, and their mob? He must have remained under the impression that this government was taking a decided part against the liberties of Spain. This was done in the teeth of the professions we had made of our anxious inclination and wish to come forward, at any moment, with a proffer of mediation, in a friendly disposition towards Spain. Now, what was the immediate effect of sir W. A'Court's conduct. The immediate effect of his withdrawing himself from the government of Spain, and the reason he assigned for so doing, was this — the hint which he thus offered, very intelligibly, was immediately taken by every traitor in Spain, from one end of the country to the other; the army commanded by Morillo immediately deserted; that general also deserted, stating, by a public proclamation, that the grounds for his treachery were the same that had influenced the proceedings of sir W. A'Court, and that the conduct of that individual, the conduct of the British minister, was the cause of his treason to his country. Here they saw a base wretch defending the treason he had committed against the freedom of his native land, by reference to the conduct of the minister of England. There was one part of the conduct of sir W. A'Court to which he could not but refer. He was bound to believe that sir W. A'Court meant well, meant charitably and generously, in the attempts he made, in more than one instance, to induce the Spanish generals to withdraw from the contest after the treason of Ballasteros. He had given this advice to general Alava — a man whose patriotic, honourable, and high-minded character, stood not in need of his praise. What he was about to relate on this point, he would begin, by stating, upon his honour, that he had not heard it directly or indirectly from that gallant officer. He had it from general notoriety, and as such he would state it, although he was never more certain of the truth of any given fact. General Alava, it was true, had never expressed any decided concurrence in the abstract principles of the Spanish constitution; but he had felt nobly and honestly, that from the moment Spain was threatened with a foreign attempt to disturb her institutions the cause of those institutions became identified with herself. Faithful, therefore, to his duty —true and loyal to principles which could only at such a time be questioned by those who sought the overthrow of Spanish independence—general Alava had withstood the temptation held out to him, to save his own most valuable life from the wreck of his wretched country; and, who was the person who had tried to persuade this officer to save himself from the sinking cause of Spain—secretly to withdraw himself from her, and so extinguish her last hope? It was sir W. A'Court, whom he (lord N.) was bound to believe had done this upon principles of the purest generosity, and out of the deepest personal attachment to an individual, whose patriotism he admired, but who must nevertheless, at the same time have forgotten —what general Alava himself did not forget—that the withdrawing of such a person from Cadiz at such a time, could not fail to be imminent danger, if not destruction, to the cause of liberty—to hasten on the fate of Spain, while yet, by possibility, it might be protracted, and to subject his own character to the reproach, the abomination, and the indelible infamy, which had blasted the names of Abisbal, Morillo, and Ballasteros. He repeated his conviction, that sir W. A'Court could have been moved to this act by nothing but a zealous and most generous wish to save the life of one of the best men in Spain—of a man whose connexions with British influence and honour had made him peculiarly an object of sympathy, both here and in his country; but still, was it fair, or within the duty of sir W. A'Court, as the representative of England—was it within his duty—the man who, to say the least of it, had kept studiously aloof from co-operating with the constitutional government—who had kept himself aloof at Gibraltar—who had placed himself in a distant position from Cadiz—who at best had been but a cold, sullen, non-conducting medium between the last sighs of expiring Spain and the sympathies of this country? Was it worth sir W. A'Court's while, even to save such a man as general Alava, to strike a last blow at the Spanish constitution?

It was with great unwillingness that he trespassed so long upon the time of the House, and he would not continue to do so one moment longer than was absolutely necessary: but, there were one or two facts within his knowledge which might not be generally known to honourable members. He asserted—and it was a fact which he believed ministers would not deny—that overtures had been made at Madrid, by the cortes and acting government of Spain, to sir W. A'Court, offering to recognise the independence of Spanish South America, upon terms most advantageous in every way to Great Britain? Was the right hon. gentleman opposite prepared to deny that this was the fact? Then he should assert, until he was contradicted by the right hon. gentleman opposite, that such overtures had been made, and upon the terms which he had described; and yet the English government had rather preferred to risk all the danger and distress which might occur between England and the absolute government of Spain upon that subject—all the disputes which, perhaps, before twelve months were over our heads, might plunge us into a war which would extend through all Europe;—we had thought proper to risk all this, rather than accept the proposition of the constitutional party. He asserted—let it be contradicted!—that the cortes had repealed the ancient Spanish laws, restricting foreign commerce; that they had acknowledged, in the most liberal manner, the claims of the British merchants, and had gone on to make a provision for the liquidation of those claims: indeed, upon that point, we had had an assurance, and received a congratulation, last year in the king's speech. These things had been offered as an earnest of the desire of Spain to make the mediation of England in her cause, not merely an act of justice and humanity, but of interest; but we had neglected them all, in order to gratify the more important consideration of enabling France to restore Ferdinand to the throne, and of allowing him fully to gratify all the hellish, murderous passions, which had been in action ever since he had been permitted to leave Cadiz, to glut his vengeance with the expatriation or destruction of all those who had dared to give Spain those free institutions, which our own government had acknowledged for her in 1812.

The rest—besides the blood—which we had conceded to France, might be stated shortly. We had allowed a blockade to be formed by France, of such a nature that we ourselves, in the very mid-day of our maritime power—masters as we were of the sea, and asserting rights upon it which, until now, we had never recognized in any foreign state—as we ourselves had never instituted, or pretended to institute—a blockade, by which not only the whole English commerce had been excluded from the ports of Spain, but the seat of her government invested, and our own minister shut out from political communication. All this, which was a concession perfectly new and unprecedented, we had conceded, without remonstrance, to the successful ambition of the French. The right of search, too, had been given, and still without remonstrance, under circumstances which afforded no pretext even for such a precaution. English merchant vessels had been boarded and detained, under every circumstance of violence and insult. Their captains had been detained prisoners upon the decks of French ships. In more than one instance, this had occurred at sea—not only in the neighbourhood of the port of Cadiz, but more than one degree of west longitude from it. English ships had been detained, which had entered Cadiz previous to the blockade. They had lain there, with cargoes on board, to the ruin of their owners, without the means of applying for aid to any political authority of our own; and, when application had been made upon the subject to the French admiral, it had been refused with every measure of incivility and insult. It might be asked, why representations had not been made to the regular authorities? For this plain reason—because there were no British authorities in Cadiz at the time—because the British minister, instead of remaining to protect, at least, British interests at Cadiz, had withdrawn himself, and was passing his autumn at Gibraltar—because the British consul at Cadiz, Mr. Brackenbury, instead of being at his post, had also withdrawn, and was passing his autumn in England—because there was no one at all, in short, at Cadiz, to whom representations could be made, except a merchant, a Mr. Egan, acting under the title of vice-consul, but without authority, without instructions, without influence, without support, or any means of interfering effectually for the protection of British property.

And this really was not all. He did not know how the House might feel as to a circumstance which he was about to relate; but he perfectly remembered what he himself had felt at hearing of it; and, avowing that those feelings had been feelings of shame and of disgust, he still trusted they were only such as must be natural in the breast of any man, who felt keenly and delicately for the honour of the country of which he was a member. Let the House hear the fact, and judge. Mr. Appleton, the American chargé d'affaires, at Cadiz, was preparing a protest to the duke d'Angoulême in the matter of certain American vessels detained at Cadiz. Two English captains of merchant ships, who had entered Cadiz and taken in their cargoes prior to the blockade by the French being declared—who were lying in the harbour to the ruin of their owners, and saw no means of application, nor British authorities to apply to—these captains went to Mr. Appleton—to the American minister, and entreated, as a favour, that he would have the goodness to include their names in his protest. Here, then, was the British flag asking protection from the Americans against the French! for the Americans, they were our brothers in origin and in feeling. He trusted he should always think of them as he thought of them now—with the warmest interest and admiration. He hoped, at some period, to see England and America linked in the bonds of the closest interest and amity, forming a rallying point for the rights and liberties of the world; and he trusted that the time at which he should behold this was not very far distant: but he might be allowed to feel some jealousy—some slight humiliation—at seeing the interests of the British flag abandoned by the British minister, and seeking, though protection from America, yet still protection from a foreign power. For the effect of this inglorious policy, as regarded England, we need now look only at the Spanish ports, to see all the commerce of the country under the control and in the hands of France. French vessels, he was informed, were admitted duty free into every port of Spain, while heavy duties were still levied upon the ships of Great Britain. Bilboa, Malaga, Cadiz, Barcelona, Carthagena, all were garrisoned by the soldiers of France—Bilboa, and Malaga, which had long been the seats of British factories; Cadiz, perhaps the most formidable point for a naval force in the world; Carthagena, proverbially the finest harbour in all Spain. He said "proverbially," because there was a Spanish proverb which said—in the metaphoric style of that country—that there were but three safe harbours in Spain—"June, July, and Carthagena." Then there was Barcelona—the key, in a military view, of the whole country. Barcelona was in the possession of the French, as well as all those other places which we had thought it worth our while, but a very few years since, at the expense of so much blood and treasure, to wrest from them. The family compact, which was considered the ground of one of the longest and severest contests in which this country had ever been engaged—by this policy, the family compact was restored. Every object of our war with Buonaparte had been gratuitously abandoned. Whatever state of things in Spain was to be preserved—if it was fit to leave Ferdinand at liberty to sate himself with the blood of the best men that his country had ever produced.—It was surely at least the duty of England to prevent Spain from becoming a province of the French empire; and no less so to vindicate her dignity and her rights in a manner which, unhappily, she had totally neglected to do. It was because he felt that, in this transaction, the interests of England had been sacrificed, her honour tarnished, and her conquests abandoned, that he moved for papers to give the House full information upon the subject. There was a document which he believed to have been presented to the right hon. gentleman opposite; but, as he did not know the fact positively, he had not included it in his motion. The document to which he alluded was a state paper, sent during the last few days of the Spanish government at Cadiz—a paper sent to admiral Jabat, to be laid before the right hon. gentleman opposite, as a protest against the whole conduct of sir W. A'Court, since the Spanish government had left Seville. If in the course of what he had said, he had expressed himself too warmly, he could only beg pardon of the House, entreat them to attribute the error to a degree of feeling upon the subject, which he could not disguise from the House or himself to be one of the deepest and most serious description. The noble lord concluded by moving,

"That an humble Address be presented to his majesty, that he will be graciously pleased to give directions, that there be laid before this House, Copies of all Instructions to His Majesty's Minister plenipotentiary at the Court of Spain, with a view to his conduct in the War between that country and France, from the period of the entrance of the French troops into Spain to that of the surrender of Cadiz, inclusive; also, Copies of all Correspondence between His Majesty's Minister Plenipotentiary and the Spanish Government, with respect to the mediation of Great Britain during the same period."

Mr. Secretary *Canning* said, he merely rose to answer one or two questions which had been put to him by the noble lord opposite, before the debate went any farther. Looking from the period at which the Spanish government left Seville, to the surrender of Cadiz, the noble lord had asked, whether sir W. A'Court, during that time, had acted upon instructions, or upon his own personal discretion. The answer was, that sir W. A'Court had acted, in some degree, upon both. Government had endeavoured to foresee every case which was likely to arise, and had furnished sir W. A'Court with instructions, in every such case, how to act; but that gentleman had also been made fully aware, that if circumstances should arise which the caution of ministers had not enabled them to foresee, the greatest confidence was placed upon his personal discretion, and he had been apprised that, supposing any case of a new and unprecedented nature to occur, the safest course for him would be to repair to Gibraltar, and either remain there until he should receive instructions, or proceed to any other spot at which his services might seem to be required. It so happened, that none of the cases foreseen by government did occur, and that a case did occur—upon which he should not dwell now, because he did not mean, in the present stage, at all to argue the question. A case did occur, which no wisdom of man could have foreseen; namely, the deposition, for a limited period, of the king. Sir W. A'Court, certainly, had not been prepared for this event; and it would be rather a high demand upon the sagacity of ministers, to say, that they should have anticipated it: under such circumstances, sir William, of course, acted for the time upon his own discretion. It was true that sir W. A'Court's continuance for a short period at Seville had been misconstrued by a factious party at that place, and that they had attempted to make him an instrument in their hands: but, when the noble lord stated this, he ought to have added, that he had refused to become the instrument that was desired. On quitting Seville, sir W. A'Court had made it known to government that he should remain as near Cadiz as he could. He had gone to San Lucar, and from thence to Gibraltar; and had at once intimated at home, on his leaving the seat of the Spanish government, that there were two cases in which, if he had no instructions, he should act forthwith upon his own view—that, if he received any notice that his presence in Cadiz would conduce to the personal safety of the king, he should proceed there; and that he should take the same course, unless he was instructed to the contrary, if he heard that the king was restored to the functions of government. Instructions, however, had reached sir W. A'Court; and when the proper time came, he and his colleagues should be ready to justify that instruction which forbad sir W. A'Court to put himself into a blockaded place. The blame of that course, if it was blameable, belonged to himself and his friends. The course, such as it was, they were ready to sustain and to justify. But he thought that, before the debate went any further, it was right that sir W. A'Court should, upon that point, be entirely exonerated.

Mr. *Sturges Bourne* said, that if the British Government had been guilty of the breach of neutrality which the noble lord would ascribe to them, he thought they should not only have heard of it at home, but it would have been loudly proclaimed abroad; yet, strange to say, this was the first intimation he had heard of such a charge. He had expected the noble lord would not have confined himself to a general charge, but would have pointed out the particular instances upon which he founded his accusation, and then he should have been able to follow him. The country would, at least, give the government credit for having prevented a war, which would have gone from one end of Europe, probably, to the other, and brought England into the contest. That fact was absolutely certain, with the greater proportion of the Spanish population. But it was worth while to examine a little further the circumstances under which this country would have been compelled to go into action, if she had interfered with an armed force. Had we gone to war for Spain, we must have acted either as principals or as auxiliaries. As principals, no one had ever contemplated our engaging in the contest; and as auxiliaries, who was it that we should have been acting with? With Abisbal, Morillo, and Ballasteros. Would England have been contented to see her troops led on by such generals as these? What her fate would have been if she had, it was not very difficult to determine; and as regarded the resignation by the Spaniards of the chief command, it would be recollected, that even under the duke of Wellington, so late in the Peninsular contest as after the battle of Salamanca, when that great general had delivered Portugal, was still in the midst of victory, and the Spanish government was ready to invest him with the direction of its armies, Ballasteros, on that very account alone, abandoned the cause of his country; and his defection at that time was not a matter of indifference for the English commander was crippled immediately, and general Soult had wintered in the south of Spain instead of the duke of Wellington. It was an obvious case, that nothing could have been more dangerous than a war under such circumstances and with such commanders. There was, in fact, but one opinion on the subject throughout the country, and it was in vain for him to dwell upon it.—He should now come to the charges brought by the noble lord against his majesty's government and sir W. A'Court; and never in his life had he been more surprised than at the instances which the noble lord had selected in support of his arguments. The first charge was, that sir W. A'Court had not proceeded at once to Cadiz, and this was considered a proof of a violation of neutrality. But let the House consider that sir W. A'Court was accredited to the king of Spain, at Seville. There he ceased to be king, and there, consequently, sir William's credentials fell to the ground. This rather appeared to him the very reverse of the suspicion which was charged upon him. The king was deposed for a time and during that period sir W. A'Court had no authority; for whilst the one ceased to be king, the other ceased to be accredited. It appeared to him that nothing could have been more wise than for sir W. A'Court to have gone to Gibraltar.—The next charge was the advice given by sir W. A'Court to a distinguished Spanish officer, general Alava; but he could not see with what justice that could be made an accusation; for, even according to the noble lord's own shewing, that advice was given in a private capacity, and not as a minister of Great Britain. The third charge, however, was of a still more extraordinary nature. It was actually that this country had permitted the blockade of Cadiz. And where was it laid down that a neutral power had authority to prevent one nation from blockading the ports of another? And was it we, of all people, who were to strike so readily at the right of blockade —we who had been so notorious for the rigid enforcement of it? These, as it seemed to him, were the three grounds, or at least the three principal ones, upon which the noble lord had moved for the production of most important documents; namely, that the secret instructions of the King to his ministers plenipotentiary, should be laid before the House of Commons, and, through the House of Commons, before the eyes of all Europe. For himself, he thought there was not the slightest case made out for production of such documents.—The right hon. gentleman then went on to vindicate the proceedings of the right hon. foreign secretary from any imputation of unfairness to the cortes, or of partiality for the interests of their opponents. It was difficult to conceive how any such charge could be made against them, when, throughout all the transactions of that momentous period, the advice which had been communicated from the British Government to that of Spain, by sir W. A'Court, had been given without any contemporaneous communication with the French party. That the advice was sound—that it was wisely given—subsequent events had fully proved. Most unfortunate had it turned out for Spain, and many of those concerned, that their advice had not been taken. If it had been taken, no man who heard him could doubt that Spain would have been enabled to retain a freer constitution than at present she could hope for. The proposals of his Majesty's ministers had failed of success, and the results were but too well known. Yet though their mediation was rejected, that did not preclude the interposition of sir W. A'Court, upon the occurrence of any opportunity in which his services were likely to be useful. Accordingly, up to the last moment, he had used his best efforts to induce the Spanish Government to avoid war. But they ought to consider what was the situation of the British Government in the mean time. In preserving that neutrality which reflected so much honour on the wisdom of their councils, had they no obstacle to overcome? Was it nothing to have to resist the solicitations of one belligerent who had beset them for the aid of their interference, and that, too, at a time when the general feeling at home might be assumed, from particular demonstrations, to be strongly opposed to that neutrality? Difficult as were the duties of that station which his right hon. friend now filled, at any time, and peculiarly difficult as they were at that particular time, they were not a little aggravated by the obstacles to which he had referred. What strength must have been required to hold the scales even between the two parties, when there was thrown into one of them, this almost overpowering weight of opinion! At the very time that the noble lord was expressing his dissatisfaction at the treatment of Spain by the English government, the French had manifested against them the same kind of uneasiness and discontent. What better proof could there be that the conduct of his right hon. friend was just such as, for the best interests of his own country, could be wished—that he had turned neither to the right nor to the left—that he had gone forward in that honest and manly course which would be his fullest justification with the House, and the subject of his praise in time to come? In the absence of all reasonable ground for the motion of the noble lord, he would beg leave to move as an amendment, to leave out of the motion all the words after the word "that," and to substitute these words—"This House is duly sensible of the advantages derived to this country from that neutrality in the war between France and Spain, which his majesty at the beginning of that war declared to have been his determination to observe, and which appears to this House, under circumstances of peculiar difficulty, scrupulously and inviolably maintained."

Lord *Nugent* rose to reply. He said that the right hon. gentleman who had just sat down had mistaken much that had fallen from him; and it appeared to him, that if the right hon. gentleman disapproved of the motion, the most obvious course would have been to have met it with a direct negative: but he had no right, he admitted, to complain of the mode in which any gentleman might please to express his opposition to any opinion of his own. From the remarks of the right hon. gentleman upon the motion, he seemed to suppose that the offer of the English court was simply an offer resting upon the disposition of the Spanish government for its success, the condition being merely that of altering the constitution. Certainly, he could not speak with the certainty of official information, because the papers were not now before the House; but, unless he had been egregiously misinformed, the offer made by the right hon. the foreign secretary to the Spanish government was of a three-fold nature. The first part of that offer was immediately assented to by the cortes; the second was of a kind which, consistently with national honour could not be subscribed by the cortes; the third, consistently with the constitution which they were sworn to maintain, could not be accepted. The recognition of the independence of the South American States was the first of these propositions; and, as he understood, it was instantly conceded by the cortes. The second was to exact a pledge from them that no injury should be done to the person of the king, or of any one of the royal family. As no violence had at that time been done to the king of Spain or to any one of his family, it would have ill behoved the government of Spain to have given a pledge which, as it presumed danger to the king's person, was inconsistent with their honour. The third proposition required a promise from the cortes, which this government must have known it was impossible for the cortes to give. It required, that the next cortes which should be called should consent to modify the constitution, according to the suggestions of the British government. Now, he would put it to this House, or to any other parliament which had ever sat in it—he would put it to any constituent body that had ever represented the rights of a free state—if the cortes then acting could have pledged themselves to any act to be done by a constituent body not even in existence? When that offer was made, the Spanish court was at Seville; and upon the retiring to Cadiz, sir W. A'Court removed first to San Lucar and then to Gibraltar. In absence of the papers they were left to conclude that he withdrew from Seville as soon as the offer was made; but, for three weeks after the departure of the Spanish court, sir W. A' Court remained in Seville, while it was in the occupation of the French army and the Servile party, until the news arrived of the blockading of Cadiz. It was then, for the first time, that sir W. A'Court vouchsafed an answer to the representations of the cortes, as if he was undetermined what to do—as if he had waited for an accident to move him; and this accident, which no sagacity of his could have foreseen turned up. "See now," he then said, with an eagerness very unlike his former delay, "how hopeless is your case—the French troops are in possession of your territory—French ships have blockaded Cadiz, and are watching the mouths of your harbours—nothing remains to you but timely submission." This did not seem like the conduct, which, in these circumstances of political adversity, should have been observed with respect to the cortes and the Spanish people. As nothing that had offered in the course of the debate had shaken the grounds upon which he rested his motion he was bound in duty to divide the House upon it. Should it be rejected—and he was free to own that he had reason to expect that it would be rejected by a formidable majority—he would then move another resolution, upon which it was not his intention to offer a single remark, still less to divide the House. He merely wished to have his opinions upon this momentous subject recorded upon the Journals.

The question being put, "That the words proposed to be left out stand part of the question," the House divided: Ayes 30: Noes 171. Majority against lord Nugent's Motion 141.

List of the Minority.

Baring, A.
Burdett, sir F.
Benyon, B.
Brougham, H.
Campbell, hon. J.
Cavendish, H.
Denison, W. J.
Denman, T.
Ellice, E.
Grattan J.
Graham, S.
Hume, J.
Hutchinson, hon. C. H.
Hamilton, lord A.
Honywood, F.
Hurst, R.
Ingilby, sir W.
Maberly, J
Maberly, W. L.
Mackintosh, sir J.
Marjoribanks, S.
Palmer, C. F.
Robarts, col.
Russell, lord J.
White, L.
Wall, B.
Wood, M.
Wilkins, W.
Wilson sir R.

TELLERS.

Hobhouse, J. C.
Nugent, lord

Mr. Sturges Bourne's motion being then put; namely, "That this House is duly sensible of the advantages derived to this country from that neutrality in the war between France and Spain, which his majesty, at the commencement of that war declared his determination to observe, and which appears to this House to have been, under circumstances of peculiar difficulty, scrupulously and inviolably maintained," Lord Nugent proposed, by way of amendment, to leave out all the words after "This House," in order to add the words "is of opinion that the system of strict neutrality which his majesty determined to observe in the late unjust war undertaken by France against Spain, and which a consideration of the financial state of this country alone induced the House to approve, has not been maintained in a spirit consistent with his majesty's avowed intentions, with the just expectations of this House, or with the honour of the country:—That, while the House laments the event of that war, as dangerous to the rights of all independent states, it is of opinion that his majesty's continued desire to mediate in behalf of Spain has not been carried into effect:—That, deeply impressed as the House is with the importance of manifesting the sincerity of those professions, it has reason to apprehend that an effect hostile and injurious to the constitutional government of Spain, and encouraging to its enemies, was produced by the conduct of his majesty's minister plenipotentiary, in abandoning at Seville the government to which he was accredited; and that by his continued absence from the seat of that government, after its removal to Cadiz, opportunities were neglected of proffering with effect those good offices which his majesty had professed himself ready at any time to renew, and which might have averted calamities so deplorable to Great Britain as the successful invasion of the rights of a free country, the occupation by the French of the capital, fortresses, and great commercial ports of Spain, and the establishment of a French influence destructive of the balance of power, and highly prejudicial to the best interests of this country," instead thereof.—Mr. Sturges Bourne's motion was agreed to, without a division.

HOUSE OF COMMONS.

Wednesday, February 18.

SMALL DEBTS—COUNTY COURTS REGULATION BILL.] Lord *Althorp*, in moving for leave to bring in a bill for the cheaper and more speedy recovery of Small Debts, said, he did not deem it necessary to make any long observations on the proposed measure, as the bill had been brought into the House last session, and had been printed and circulated widely through the country. There were in the bill which he should now, with the leave of the House, introduce, a few trifling alterations only, which had been adopted at the suggestion of the persons to whom the bill had been submitted. As there might be some gentlemen present who had not read that bill, he might state briefly its object and enactments. All the tradesmen who were examined before the committee of the House on the recovery of small debts, agreed in saying, that as to all debts under 10*l.* it was not now worth any tradesman's while to prosecute. In many kinds of business the majority of book debts was under 10*l.*; so that to all those persons there was an absolute denial of justice, and the creditors depended entirely on the honour and honesty of their debtors. That this was a state of things that ought to be remedied, there was, he supposed, no question; the only question would be, whether the means he proposed for removing it were the proper ones. To put an end to the evil arising from such a defective system of law, he would propose that in every county in England an assessor should be appointed to the sheriff, who should make a circuit through the different towns of the county, holding a species of assize at such of them as the justices in quarter sessions assembled should appoint. He likewise intended that the cases should be decided by the intervention of a jury. The noble lord then moved, "for leave to bring in a bill to prevent delays and expenses in the proceedings of county courts, and for the more easy and speedy Recovery of Small Debts in England and Wales."

Mr. *J. Smith* seconded the motion. The hon. member said, he had witnessed the evils resulting from the expenses attending the present system of recovering small debts; indeed, if he were called on to state the greatest oppression which the poor endured, he should mention the vexation and expense suffered in the recovery of small debts. He had known an instance of the effects of it in his own family. A servant of his had been arrested for a debt of 17*l.* 6*s.* The debt had been originally 3*l.* 8*s.* and the man being entirely ignorant of law, and having made no defence, the mere costs of proceeding to judgment and execution had amounted to 14*l.* Now, he would leave the house to judge whether any thing could be more oppressive than such a system. Individuals were, under its operation, forced into gaol, as was the case ultimately with the individual to whom he had alluded, who was arrested for 17*l.* 8*s.* The solicitor who enforced the process, and who was a very respectable man, had declared, that not a day passed in which he had not a similar duty to perform; namely, that of arresting individuals for debts which were raised to an enormous magnitude on account of the costs. Many persons sued for small debts made no defence to the action, because they knew that if they did, they would involve themselves in still greater difficulties. The noble lord could not, he thought, do a greater benefit to the lower class of tradesmen than by persevering in this measure, to which he sincerely hoped no opposition would be offered.

Leave was given to bring in the bill.

RECOVERY OF PENALTIES BEFORE MAGISTRATES.] Mr. *Davies Gilbert* rose to move for leave to bring in a bill for the more effectual Recovery of Penalties before Magistrates, and for facilitating the execution of warrants. The hon. gentleman said, that in cases of conviction before a magistrate for certain offences, without entering into the large question, whether it was fit to extend or narrow the summary jurisdiction of magistrates, the bill which he proposed would be confined to the remedying of two defects, which every one, he imagined, would be desirous of seeing removed. The first was, as to those fines which were directed by law to be levied by distress on the goods of the offender. As the law stood, when such a fine was imposed by the magistrate, he had no power to detain the offender till it was seen whether or no he had any goods on which distress might be made; so that in the case of vagrants and others who could remove themselves meanwhile out of the jurisdiction of the magistrate, it was sometimes impracticable to inflict any punishment in the cases which most deserved it. He proposed, therefore, to enable the magistrate, when oath was made that it was believed the offender had no goods and chattels, to detain him until inquiry was made. The second defect was one that had been recently discovered. It had been decided, however, by the courts of law, that when a warrant was directed to a constable, A. B. by name, he might execute it any where within the jurisdiction of the magistrate; but that if it was directed, as most warrants were, to the constable of such a parish or township, not naming him, if, in the execution, he overstepped the boundary of his parish or township but an inch, he was liable to an action of false imprisonment. He proposed, therefore, to amend the law, so as to make it lawful to the constable of a parish described in a warrant, to execute it any where within the jurisdiction of the magistrate issuing it, as if he were named in the warrant.

Leave was given to bring in the bill.

BANKRUPT LAWS.] Mr. *W. Courtenay* rose, in pursuance of the notice he had given yesterday, to move for leave to bring in a bill "to consolidate and amend the Laws relating to Bankrupts." As the House must be aware of the nature of those laws, and of the necessity of revising them, he would not enter into any general view of the subject. It would, however, be proper to make one or two observations on the nature of the proposed measure. One of the main objects of the bill would be, the consolidation of the various acts relating to this subject, in order to present, at one view, the whole state of the law—to point out clearly who were the persons liable to be subjected to its operations; what were the acts which brought them under its controul; and what the power granted by the different statutes. In addition to this, he meant to propose for consideration, some alterations in the existing law. He would not state the whole of the alterations he contemplated, but he would briefly advert to one or two of them. In the first place, he would propose a clause on a very important point; namely, the allowing persons, under certain restrictions and limitations, to declare themselves bankrupt, which, on account of the criminal character attached to the act of bankruptcy, as the law now stood, they were disqualified from doing. He admitted there were circumstances under which this could not be allowed; but, under particular restrictions and limitations, it might be carried into effect. He should also propose some alteration with respect to the manner in which certificates were to be obtained and granted. He felt very great difficulty in legislating on this point. It would be wrong towards the creditor, if the certificate were too easily obtained, and it would be a great hardship if the bankrupt were deprived of it by the obstinate conduct of a single individual. He hoped, however, that means might be devised to meet the difficulties of the case. At all events, he should propose a clause on that point. The learned gentleman then moved for leave to bring in the bill.

Mr. *J. Smith* thought the country was under great obligations to the learned gentleman for the measure which he was about to introduce, and of which he entirely approved. But, considering the situation in which he was formerly placed, as chairman of the committee on the bankrupt laws, and in justice to those with whom he then laboured, he must say, that the measure which the learned gentleman now proposed was identically the same in principle with that which he (Mr. S.) had brought forward some time ago. He had given up much time to the consideration of this subject; but, however well he might understand it, he did not pretend to possess that legal knowledge which would enable him to form a bill of such a description as would meet all objections. The main object of this bill was one which a clever and intelligent solicitor of the city had long been endeavouring to carry into effect. He alluded to Mr. Freshfield, who had for two years given his advice and assistance, almost gratuitously, on this complicated subject. He, therefore, should be sorry, if a question of this kind were taken out of his hands altogether, without stating how much benefit had been derived from Mr. Freshfield's exertions. The learned gentleman had alluded to one or two clauses which he meant to introduce. One of these he was afraid would meet with considerable opposition. He alluded to that which related to the obtaining of certificates; and which would prevent the withholding of that necessary document from the bankrupt at the pleasure of a single creditor. No clause could deserve more serious consideration than this; because, to his own knowledge, some most grievous hardships, he would say most abominable acts of injustice, had been suffered by bankrupts, in consequence of the conduct of individual creditors who had large demands on them; and who had kept their certificates from well-meaning bankrupts, and condemned them to want and misery for the remainder of their lives. He could instance many cases of that sort; and he hoped that an end would be put to so oppressive a practice.

Mr. Serjeant *Onslow* approved of the consolidation of the bankrupt laws into one system. The decisions under the various acts had rendered a very complicated system of law necessary. He joined most cordially in the tribute which his hon. friend had paid to a gentleman, not a member of that House. He knew that individual well, and was aware how much his valuable time had been devoted to this subject. The measure which that gentleman's industry had so great a share in producing, was, he conceived, the foundation of the present.

Mr. *Abercromby* said, that if the intention of his hon. and learned friend was, to make an alteration in the existing acts by leaving out certain parts of them, and thus altering, in many respects, the law, he had, undoubtedly, imposed on himself a duty of extreme difficulty; because there was nothing so difficult, after all the decisions under those laws, as to say, that he would embody all that was necessary in his consolidated act, and at the same time preserve untouched those decisions. It was an arduous task, and he hoped the public would have no cause to complain of his hon. and learned friend's labours. He entirely approved of the alteration which the learned gentleman meant to introduce. It was an approximation to the Scotch *cessio bonorum*, and tended to remove that absurd doctrine which prevailed under the existing law; namely, that committing an act of bankruptcy was to be treated as a criminal act. As he had gone so far, the learned gentleman, in his opinion, ought to alter the whole shape of the bankrupt laws, and give to them a character more adapted to the present state of society, and better suited to the great extension of the commercial affairs of the country.

Leave was given to bring in the bill.

CRIMINAL JUDICATURE OF THE ISLE OF MAN.] Mr. *Curwen* rose, pursuant to notice, to move for documents relative to certain alterations which had been made by the duke of Athol in the Criminal Law of the Isle of Man. The question was of vital importance, not to that island alone, but to all the islands appertaining to Great Britain; for, if a change of this kind were allowed to be arbitrarily made in the Isle of Man, similar changes might be made elsewhere. He would, in the first instance, state what was the constitution of that Island. There was, first, a governor appointed by the Crown; there were also an attorney-general, three dempsters who were law officers, a clerk of the rolls, a high bailiff, a bishop, and a vicar-general. These were the council of the governor. There was next the House of Keys, composed of 24 members. These formed a body, by the consent of which laws were altered, changed, and amended; and, having received the approbation of the Crown, those laws had full force and authority. The Keys were a Court of appeal from the decision of the dempsters, who were common-law judges: and for the purpose of deciding appeals from the inferior judges, had been accustomed for centuries to assemble in what was called the Tinwald Court. The duke of Athol had, however, entered the Tinwald Court some time since, and stated, that he was instructed, by his majesty's government, not to summon the Keys in future to attend the general gaol-delivery in the Tinwald Court. He informed them, that he would discontinue summoning them to act as a criminal court, by the order of the Secretary of State for the Home Department; and, in the same breath in which the communication was made, the Court was dissolved. Application was made, as it was a subject of such importance to the parties, that they might be allowed to discuss it; in order that they might remonstrate with the government, or appeal to this House. This was refused. Application was next made for a copy of the speech, which was promised; but, up to this day, he believed no copy of the speech had been granted. In this way he (Mr. C.) accounted for his not having introduced this subject by a petition, or a representation of the facts by the parties aggrieved. Now, a Court of Keys would soon be held; but in what situation would the judges be placed? The first step would be to demur to the Court's competence to try. The judges had, on the one hand, three or four centuries of precedent for proceeding as they had been accustomed to do; and there was opposed to them the *ipse dixit* of the governor; for they had neither the opinion of the secretary of state, nor of the law-officers of the Crown. Under these circumstances, the judges would be called on, contrary to the established form of law, to try prisoners. If they refused, they would be immediately placed in opposition to the governor, and might be dismissed without ceremony. There was no court in which they could be impeached—no place in which their cause could be argued. They might at once be dismissed for doing an act which they conscientiously thought right. One of them had already been removed, without any form of trial; and there was no court to which he could appeal. But, suppose the judges did not demur, and that any man was convicted criminally before them, and the sentence was carried into execution. Then he would say, looking to the decision of lord Mansfield, in the case of the imposition of the 4½ per cent duties, after a constitution had been given to the island where they were levied, that they ought to be indicted for a legal murder. He knew this had been described as an act of vengeance against the Keys, because they were not as subservient as they ought to be; but this was an erroneous view of the case. The Keys were no more than any other four-and-twenty persons. It was, in fact, an attack on the rights of the whole people of the island. When the island was in the hands of one individual, who might appoint the law officers and turn them off as he thought proper—who also had the nomination of jurors, persons probably selected from his own under-tenants, over whom he had perfect control—was not the existence of such an establishment, to which there was an opportunity of appealing, of very great importance for the preservation of the rights of the people? Was it not, besides, a very salutary check on the ignorance of juries? He hoped government would suspend the assembling of the next Tinwald Court, until the law was clearly settled on this subject. The hon. gentleman concluded by moving, "That an humble Address be presented to His Majesty, that he will be graciously pleased to give directions, that there be laid before this House, Copy of the Instructions to his Grace the Duke of Athol, Governor in Chief of the Isle of Man, directing him to exclude the Keys from further attendance at Courts of Tinwald, for the purposes of General Gaol Delivery, agreeablyto the ancient custom and constitution of the Island, which requires the concurrence of a majority of the Keys to confirm and sanction the verdict of the Jury."

Mr. Secretary *Peel* said, he felt some difficulty in meeting this motion, because he had not only to contend with the hon. gentleman opposite as a member of that House, but he had also to contend with him as a key, and consequently under all the disadvantages necessarily arising from a want of the hon. gentleman's local information and experience. The hon. gentleman had dealt with this question both as a member of that House, and as a member of the insular legislature; and though he might feel satisfied that he should be able to answer the call of the hon. member in his more general capacity, he certainly did not feel himself equally prepared to contend with him in his capacity of Key. He had to observe, in the first place, that the form of the hon. member's notice was somewhat inaccurate. He had given notice that he meant to move for a copy of the Instructions to the duke of Athol to make alterations in the Criminal Law of the Isle of Man. Now, who would not suppose from this notice, that he (Mr. P.) had given some arbitrary instructions to make an alteration in the criminal law of that island? He would shortly explain to the House the question upon which he was called upon to decide: it was a question of law, namely, whether the House of Keys, which was the popular branch of the legislature, was entitled to be called upon to act upon every jury trial that took place in the island. If, as the hon. member contended, the popular branch of the legislature was also, by the local constitution of the island, a branch of a criminal court, he (Mr. P.) would certainly give him an opportunity of discussing the policy of allowing a court to be so constituted; for he should, without delay, move for an act of parliament to deprive them of the right, and clear all doubts upon the subject. That the popular branch of the legislature should sit upon every jury trial, and control the decision of the jury, was so monstrous an anomaly, that it ought at once to be put an end to. The question of law, however, having arisen, as to whether the House of Keys did form a part of the Court of Gaol Delivery, he (Mr. P.) had referred the case to the Recorder of Liverpool, who was attorney-general of the island. That gentleman took the subject into his consideration, and gave a decided opinion, that there was no ground for such a claim of jurisdiction on the part of the House of Keys; and that a verdict delivered by a jury in the Court of Gaol Delivery, would be binding in point of law, without any reference to the Keys. The governor of the Isle of Man, however, wished to receive distinct instructions from the government on this subject; accordingly he (Mr. P.) had laid all the documents connected with the case, which were extremely voluminous, before the attorney and solicitor-general; who had confirmed the opinion which had been previously given by the attorney-general of the island. So far from having issued any arbitrary instructions, to make any alteration in the criminal law of the Isle of Man, he had merely transmitted the opinions of the law officers of the Crown to the governor-general. He had acted upon the best authority to which he could refer upon a point; and he had certainly no doubt himself, that the House of Keys did not form a part of the Court of Gaol Delivery. It was, undoubtedly, possible, that that opinion might be erroneous; but the proper course, by which that question could be tried, would be, to bring it, by way of appeal, before a higher court. Upon these grounds he should resist the motion of the hon. gentleman.—The second point of the hon. member's complaint would be disposed of in a moment. It was said, that one of the judges of this court in the Isle of Man had been removed from his office. The fact was, that the individual had been accused of corrupt conduct; and, on an inquiry, conducted before the council of the island, it had appeared that there was, at least, sufficient grounds for causing him to vacate his situation.—With respect to the third point dwelt upon by the hon. member—the residency of the Isle of Man attorney-general, he thought that it was *dehors* the question before the House, and ought to come on in the shape of a specific motion; at the same time he feared that the House of Keys would scarcely get a very eminent British lawyer (and with no other, for an attorney-general, as he understood, would they be content) to reside constantly in the Isle of Man for a salary of 500*l.* per annum. On the whole, it seemed to him that he had made out a full parliamentary ground for refusing the papers moved for by the hon. member.

Mr. *Abercromby* said, that the argument on which his hon. friend relied, namely, the length of time during which the House of Keys had assisted in the administration of criminal justice in the Isle of Man, had received no answer from the right hon. gentleman. It had not been denied that their claim was founded in a long-continued usage.

Mr. Secretary *Peel* observed, in explanation, that it was the opinion of the attorney-general, that the House of Keys formed no part of the court of gaol delivery, though it had been occasionally referred to in cases of corrupt finding.

Mr. *Abercromby* said, that the point to which he was anxious to call the attention of the House, was the practice. This was stated by his hon. friend to have been a long and uninterrupted usage, and to this statement he had heard no contradiction from the right hon. gentleman. All that he could collect from his statement was this—that a doubt having arisen on the subject, and application having been made to him on the subject, he had called in to his assistance the opinions of the law officers of the Crown, and that the result of those opinions was, that the attendance of the House of Keys was an usurpation arising from an alleged necessity, and founded upon a supposition of corruption in the judges of the criminal court. But, this single fact alone showed most strongly the vast importance of the subject. On the one hand, we had a very narrow assemblage of people, who contended they had a clear and undisturbed right; and, on the other hand, a practice of some extent was admitted, the origin of which practice was founded upon the necessity of some control over a supposed corruption. Supposing, then, this to be the case, there arose the very material question, who were to be the substitutes? According to the statement of the secretary of state, the substitutes were to be the very judges who were considered so corrupt. This showed most strongly the strange administration of justice in that Island, for the purity of which, according to the existing practice, there seemed to be no security. But his next objection to the course which had been adopted, was a very strong one. Admitting that the opinion of the attorney-general for the Island, and the law officers of the Crown were correct, which he did not mean to doubt, still he should say, that in fairness these people had a right to be heard, before the decision of the secretary of state had been pronounced. The correct course would have been to have said, "This is our opinion; but if you wish, you shall have an opportunity of being heard." And even still he could wish the secretary of state would stop the proceeding, and give them an opportunity of being heard before the council. Only one side of the question had been heard, namely, that on the part of the Governor; and he therefore thought no further step should be taken, until the other had also obtained a hearing. The privy council, no doubt, would be the proper place.

The *Attorney-General* said, that the case had been laid before himself and his learned colleague, and, upon a full inspection of the documents, they were clearly of opinion, that at no period in the history of that Island did the Court of Keys form a part, by right, of the court of gaol delivery; at no period did they form, of right, a constituent part of that tribunal. But the House of Keys, not at a very remote period, but about a hundred years ago, had usurped the right of arraigning the conduct, and summoning before them, and fining the court of gaol delivery, for whatever they considered improper. The hon. member asked, whether they did not attend the court? He answered "Yes;" but they had no power to do so. They were never members of that court, and the power which they exercised was an usurpation. He apprehended that the right hon. secretary of state, had never given any instructions on the subject. The opinion of the attorney-general of the Island was first taken; then it was considered advisable to ascertain whether the law officers of the Crown concurred with him; and, when their opinion had been taken, it was forwarded to the governor of the Island. His hon. and learned friend opposite had said, that these parties had a right to be heard; but the House must consider that this opinion to which he had adverted was given twelve months ago, and since that time an ample opportunity had been afforded them of making their appeal. But the hon. mover seemed to think that House a fitter tribunal to appeal to, than that which had been constituted by the law of the land. His opinion, and that of his learned colleague was, that the claim of the House of Keys was not founded in law; but, if others were of a different opinion, there was an obvious course by which that right might be fully ascertained.

Sir *James Mackintosh* said, he had listened with great attention to the statement of his hon. friend, the mover, and to the explanations which had been given by the right hon. the secretary of state, and his learned friend the attorney-general, and he was reduced to the necessity of stating, that he was by no means satisfied with the explanations that had been given. He should leave out of the argument altogether the question as to whether the practice, contended for on the one hand, and opposed on the other, were or were not inconvenient or inexpedient. He did not object to the reformation of the practice, but to the mode in which it was attempted to be introduced. He and his friends objected to the measure, because there did not seem to be a sufficient degree of feeling for the claims of a respectable provincial legislature, which, although subordinate to parliament, had a right to substantial justice at their hands. He considered that his hon. friend was entitled to the gratitude of the country, as well as of that particular island, for bringing the question before the House; nor could he agree in the justice of the charge which had been made against him, of departing from the original notice of his motion; for surely so important an alteration in the only criminal court in that island was to all intents and purposes, a change in the criminal law of the land; and he thought the terms of the motion were perfectly applicable to such a change. His learned friend, the attorney-general, had said, that they had had ample time to appeal, as the opinion of the law officers of the Crown had been given twelve months ago; but his learned friend had not told the House at what time that opinion had been forwarded, or when the first step was taken by government. The formal notification which was given on the 9th of this month was what they had to deal with. His hon. friend, the mover, himself a member of the House of Keys, who was peculiarly bound to contend for their claims in parliament, and who might justly be supposed acquainted with the usage and practice of the island, had stood up in his place in the House, and stated that the usage had always been, that a majority of the House of Keys had been always essential to a decision of the court of gaol delivery. Their presence was always considered essential to the execution of the sentence of the supreme court. He only re-stated the opinion of his hon. friend, for he himself pretended to no information on the subject; but his learned friend had not contradicted that statement; for all he had said was, not that the practice did not exist, but that it was an usurpation. His learned friend had stated, that they were not members of the court; but the House had not now to determine whether, technically speaking, they were members of the court, but whether their concurrence had been considered necessary to the establishment of a verdict. And he should here take leave to say, that an usurpation exercised for a century was a matter not lightly to be dealt with, in considering a court of criminal judicature, and the privileges of a subordinate legislative assembly. It appeared to him, that the proper course would have been, for his majesty's privy council to have given them due notice, before they had pronounced their definite opinion upon the act, and have afforded them an opportunity of discussing the subject fully, and explaining their rights. The experience of the right hon. secretary must have convinced him how different a case it would have been if these parties had had a right of appeal before a judgment had been pronounced, instead of sending them before the privy council with a prejudice against them. He thought it a little too much to call upon the House to repose implicit confidence in the opinion of the attorney-general of the Island, or the law officers of the Crown, and particularly when all information on the subject was refused. He thought that in a case of so much importance, affecting the privileges of a legislative assembly, it would have been more becoming to have laid the information before the House. However, he did not mean to say that he might not hereafter be of opinion that the whole proceeding was right; but, as yet, he certainly felt that no satisfactory explanation had been given; and, if his hon. friend should persevere in taking the opinion of the House, he should certainly give him the assistance of his vote.

The *Attorney General* said, in explanation, that he thought he had given a full contradiction to the statement of the hon. mover, that the presence of the House of Keys, or a majority of them, was at any time essential to the validity of any verdict. Such was not the case. On an inspection of the documents submitted to him, he was of opinion, that they had no such right as that which they claimed.

Mr. *W. Courtenay* said, it appeared to him, that the real question which the House had to determine was, whether his right hon. friend, the secretary of state, had acted properly in the course which he had pursued [cries of "no, no"]. He contended that it was; for all those who had spoken on the other side of the House, had put the question in that shape. What the secretary of state had to do was this: to declare how practically the judicature of the island was to be administered; and he had very properly, exercising a sound caution, intrenched himself under those wise guards which his situation afforded him. What was to be done? How was the governor to act? Was the administration of justice to stand still, or was the secretary of state to hesitate in giving him the best advice he could procure? It appeared to him, that he had no other alternative but the course he had pursued. The question was, whether the governor was bound to summon these parties or not? He should not discuss the question as to the propriety of the House of Keys forming a part of the criminal court. The only point was, whether they had exercised this usage rightfully, or whether they should be now deprived of it.

The House divided. Ayes 28: Noes 26.—Majority for the motion, 2.

List of the Majority.

Abercromby, hon. J.
Althorp, lord
Baring, A.
Bright, H.
Brown, D.
Bury, lord
Calcraft, J.
Duncannon, vis.
Ellice, E.
Grattan, J.
Guise, sir W.
Gurney, Hudson
Hamilton, lord A.
James, W.
Kennedy, T. F.
Kemp, T. P.
Lamb, hon. G.
Monck, J. B.
Mackintosh, sir J.
Robarts, A. W.
Robarts, col.
Rumbold, C. E.
Tierney, right hon. G.
Sefton, lord
Wood, alderman
Wrottesley, sir J.
Warre, J.
Williams, John

TELLERS.

Curwen, J. C.
Hume, J.

HOUSE OF LORDS.

Thursday, February 19.

Game Laws.] Earl *Grosvenor* stated, that a petition praying for an alteration in the Game Laws had been put into his hands, but as there was some irregularity in the wording of it he should abstain from presenting it. He should, however, avail himself of the opportunity to say a few words on this subject, which he was happy to find had attracted attention in another place; and their lordships would agree with him that nothing could be more entitled to serious consideration, when it was ascertained, that nearly one half, or at least one-third of the persons confined in the gaols throughout the country consisted of individuals committed for violations of the game laws. Such was his sense of the paramount importance of the subject, that had it not been taken up in another place, and especially by a gentleman so well qualified, on account of his personal consideration as member of a great county, and his connexion with his majesty's ministers, to give weight to the change recommended, he should have submitted a proposition of a similar kind to their lordships himself. Under these circumstances, however, he hoped that the proposition made elsewhere would have the support of the government and both Houses of Parliament. The change in the law which was proposed appeared, to him to be of all others that which was best calculated to remove the enormous evils to which the state of the legislation respecting game had given birth. He was aware that many objections would be urged to the alteration; but he was confident that they would not be found of sufficient weight to counterbalance the advantages which must arise from the projected amendment of the law. Some persons were of opinion, that authorizing the sale of game would diminish its quantity. This he believed would be found to be an erroneous view of the subject. It was at present always to be purchased when wanted, and the only effect of legalizing the sale would be, to render it less dear. It was also said, that any interference with the sports of the field would render the country gentlemen less disposed to reside on their estates. He well knew that it was common for the country gentlemen to take great pleasure in these sports; but they had other occupations of a far more important nature, in which it was equally common for them to be engaged, and which he was persuaded would always render them as desirous of residing in the country as their love of field sports. But, instead of having the effect of diminishing game, he was convinced the change would increase it. Aristocratic pride might be offended at the opportunity which every person would have of procuring game; but those who had already lowered their aristocratic pride so far as to sell that game, surely need not take alarm at the measure proposed. He trusted their lordships would turn their serious attention to this important subject, before the bill came from the other House.

HOUSE OF COMMONS.

Thursday, February 19.

Wine Duties.] Mr. *T. Wilson*, in presenting a petition against the present high duties on foreign wines from Mr. James Warre, a wine-merchant in London, called the attention of the chancellor of the exchequer to it, as proving beyond a doubt that, in matters of revenue, two and two did not always make four. It appeared from the statement of the petitioner, that in 1801, when the duty was 8*s.* 9*d.* per gallon, the sum paid into the revenue was 2,307,000*l.* and that from the year 1821 down to the year 1823, the average sum paid was only 1,927,000*l.* though the duty was nearly doubled. He called upon the right hon. gentleman to increase the comforts of the people by reducing these duties, and thus allowing them to have their wine at 3*s.* and 3*s.* 6*d.* instead of 6*s.* a bottle.

Mr. *Hume* expressed his surprise that the right hon. gentleman had not taken some notice of the observations made by the hon. member for London. He trusted that the right hon. gentleman would give the House some information on this point on the 23rd; and that if he did not then give some prospect of having these duties reduced, some hon. member would bring forward a specific motion for their reduction. He was convinced that by taking off half the duty on French wines, the quantity consumed would be more than doubled, and that the benefit to the revenue would in consequence be considerable. Besides, smuggling would be prevented; and by that means a sum of a million a year now expended on the preventive service, would be entirely saved to the revenue of the country.

Bank of England—Balances and Charge of Management.] Mr. *Grenfell*, in rising to move for the production of the papers which he had annually moved for, respecting the Bank of England, said, that before he proceeded to remark on the accounts which were the object of his motion, he would, with the permission of the House, state very shortly the reasons which induced him to forego calling on the Bank for the production of a part of the papers which had been originally comprehended in his notice, he meant, an account of the amount of Bank-notes and post-bills actually in circulation. At the time when he had first intended to move for those accounts, he did not anticipate that there would be any objection to the production of the accounts, which would bring the account of Bank-notes in circulation from March last, down to the present time. However, subsequently to the notice he had given, an hon. director had stated that the Bank had an objection to the production of the account of the amount of notes in circulation. His hon. friend had stated the objection of the Bank to the production of such an account to rest on this ground—that since the resumption of cash payments by the Bank, that body discharging all demands upon it according to the ordinary law, it was precisely the same as calling upon any individual merchant or banker to furnish the House with an account of the amount of his acceptances, as to call upon the Bank to produce an account of the actual amount of its circulation. He could not agree to the justness of this parallel. When he considered the great public trust reposed in the Bank—when he considered that thirty millions were entrusted to the Bank annually to pay the dividends to the national creditors—when he considered that the whole of the revenue of the country might be, according to law, paid by the different revenue departments into the Bank of England—and when he remembered all the other exclusive privileges which the Bank enjoyed, the like of which no private establishment could boast of; he could by no means admit, that it stood in the same situation as an ordinary mercantile establishment. On the contrary, he held it to be the duty of the House to call upon the Bank, from time to time, to render an account of its issues. But, as he thought it might not be expedient to press for the production of the account, he should not at present persevere in his motion. There was also as yet unrepealed the Stamp act, which directed that the Bank of England should yearly produce to the Stamp-office, the amount of its notes in circulation weekly for the preceding year, that the sum might be calculated which it should pay in lieu of stamp-duty. If that bill were not repealed, the Bank would be soon called upon to produce the amount of its circulation without any special order of the House; but in the same bill it was directed, that when cash payments should be resumed, some other principle of commutation would be established. As that subject would, of necessity, soon come under the consideration of the House, he should not now press for an account of the notes in circulation, but should confine himself to those annual accounts, to the production of which no objection would be made. These accounts were the statement of the balance of public money in the hands of the Bank, and of the charge made by the Bank for the management of the public debt. As to the balances of public money those who recollected the discussions in the House on the subject, would know that formerly they had fluctuated from ten to twelve millions, and that in the last four or five years, in consequence, as he believed, of what had been said in the House, they had been reduced to an average of about four millions. From this reduced amount of balance, however, the Bank, he was prepared to contend, derived a larger profit, than the service they rendered to the public deserved. The public, it would be remembered, were paying the Bank 3 per cent interest on fifteen millions, the whole original amount of the capital of that corporation. Calculating on this rate of interest, the profit of the Bank on the four millions was 120,000*l.* per annum. Now, if the sum were lodged in the hands of any private banker, he would think himself liberally paid by 20,000*l.* per annum. The public, therefore, lost on this account, and the Bank gained 100,000*l.* a year.—Now, as to the charge for the management of the public debt, he would repeat, after the most attentive consideration, that on this head also a very considerable saving might be effected. In the last year, the charge for the management of the public debt was nearly 260,000*l.* a-year. In speaking of this charge, he could never mention it without doing justice to the Bank, by saying, that no service could be performed with more advantage to the public, and credit to those who executed it. But, however perfectly it was performed, it might be overpaid, and instead of 260,000*l.*, he had no doubt, that by 160,000*l.* a-year, the management of the debt would be very amply and liberally paid. Here, then, under proper regulations, would be another annual saving of 100,000*l.* It was, he knew, contended by the Bank, that under their charter, strengthened by the act of 1808, they had a right to the sum now paid for the management of the public debt, and that it would be a breach of faith to reduce it. A case had been some years ago laid before the Attorney and Solicitor-general on this subject, and their opinion was undoubtedly in favour of the interpretation of the Bank. He, however, need not say, that the opinions of legal gentlemen, very much depended on the mode in which cases were drawn up. There were two points connected with that case, which, if he had drawn it up, he would have stated in such a manner as would, he thought, have given those learned persons a different view of the subject. He did not pretend to speak from his own knowledge of the law; but he was fortified in his opinion on this matter by the concurrent opinion of a very high authority. The late Mr. Horner, when the act of 1808 was passed, had stated, that there was nothing in the act itself, or in the circumstances under which that act was passed, that prevented the public from revising the system, and reducing the sum paid to the Bank for managing the public debt.—The hon. gentleman concluded by moving, "That there be laid before this House; 1. An Account of the aggregate amount of all Balances of Public Money in the hands of the Bank, including the money taken from the Exchequer by the Bank in Exchange for Exchequer Bills deposited at the Exchequer; and including also, the balances of the Accountant General of the Court of Chancery, Unclaimed Dividends, and Lottery Prizes, and all other Public deposits, on the 1st and 15th days of each month, for the year 1823; stating the average amount of the whole, made up from the said days." 2. "An Account of money paid or payable at the Bank of England, for the management of the public debt in the year 1823; together with an Account of all Allowances made by the Public to the Bank, or charged by the Bank against the Public, for transacting any Public service in the year 1823, describing the nature of the services, and the amount charged thereon in the said year, and including the sum of 4000*l.*, under the denomination of 'House Money,' or 'House Expenses,' and also the sum of 1,898*l.* 3*s.* 5*d.* under the denomination of 'Charges of Management on South Sea Stock;" and stating the aggregate amount of the whole.'

The *Chancellor of the Exchequer* said, that with respect to what had fallen from the hon. gentleman, as to the right of calling upon the Bank to furnish an account of the Bank-notes issued, he confessed he thought it would be extremely hard upon the Bank to expect, under the circumstances in which they stood towards the public, that they should, as a matter of course, furnish such an account. He would not go so far as to say, that there might not be circumstances which would justify the House in calling for such an account; but he could not concur with the hon. gentleman, as to the justice or expediency of calling for it as a mere matter of course. With respect to the other topics which the hon. member had introduced, as he had no objection to his motion, he did not think it necessary to enter into them at any length. The subject was not before the House, and no practical result could follow from discussing it on the present occasion. The hon. gentleman had stated most accurately, that within the last few years, the balances in the hands of the Bank had been greatly diminished, and rendered available to the public service. The Bank had most readily acquiesced in the arrangements by which the amount of those balances had been diminished. With respect to the charge for the management of the public debt, he did not quite understand whether it was the intention of the hon. gentleman to call upon the House to express any specific opinion as to the expediency of reducing that charge. He would not pretend to offer any decided opinion upon a question of law, but it certainly did appear to him, that the grounds upon which the law officers of the Crown had given their opinion as to the right of the Bank to claim an adherence to the agreement made in the time of Mr. Perceval, were most solid and substantial. He could not think, therefore, that the House would be justified in calling upon the Bank, whether they would or not, to manage the public debt at a reduced charge. The House would recollect, that some years ago, the Bank consented to a reduction of charge with respect to all that portion of the public debt which exceeded a given amount, by way of general compromise. As long as the Bank charter lasted, he thought, that in fairness, that compromise ought to be binding on the public. Looking, as he did, to the fact, that the Bank had, under circumstances of great public difficulty, contributed most essentially to the welfare of the country, he thought they ought not to be looking out for every possible opportunity of straining the law to their prejudice. He felt, therefore, that it would be unjust in the public to call upon the Bank to accept, during the remainder of their charter, a less sum than they were entitled by their agreement, to receive for the management of the public debt, in the discharge of which duty they had so essentially contributed to the public service.

Mr. *Hume* said, it was of very great importance, that his majesty's ministers should take immediate steps to free themselves from the trammels in which they had long been held by the Bank. As the interest of money was now nearly on a level with what it was when the Bank lent a large sum to government, he hoped the Chancellor of the Exchequer would not listen to any application for a renewal of the Bank charter, but would pay off every shilling that had been borrowed from the Bank. It would not be difficult to do that, as the 3 per cents were at par. Let the country gentlemen recollect, that the Bank were now acting as pawnbrokers on a large scale, and were lending money on estates—a system entirely contrary to the original intention of that institution. The intention was, that they should be ready, on any emergency, to discount for the public interest, for the benefit of trade and commerce. Now, what did this body really do? They kept up discounts above the current rate of the day. They kept up the rate of discount at 4 per cent, when every where else it could be obtained at 3 per cent. He could not accede to the opinion of his hon. friend, that it was inexpedient to call for an account of the issues of Bank-notes. He thought the House ought to have before it a return of the amount of discounts effected by the Bank. He only wanted the amount of the discounts, he did not seek for the names of individuals. It was said, that this monopolizing company had given great assistance to the country, and that trade and commerce could not go on without them. But what assistance had they given? Circumstances were now changed; and, without any aid from them, trade and commerce were going on as well as they ever had done. Let government pay them off the fifteen million which the public owed them, and if they afterwards wanted loans, the Bank would advance them money enough for 2½ or 3 per cent. The country gentlemen would thus receive effectual relief; for the Bank would not know what to do with their money, and must lend it at a very reduced interest. He hoped, before the expiration of the charter, that a regular inquiry would be instituted into the whole subject. He did not pretend to be a man of deep legal learning; but he would state a fact or two on the subject of the charges demanded by the Bank, for managing the public debt, which were worthy of notice. The bargain, which the chancellor of the exchequer now argued ought not to be broken, had taken place in 1800, and a bill had passed in 1808, creating a new bargain, in which it was declared, that as the amount of the public debt had very much increased since the year 1800, it was reasonable that the Bank should have an increased allowance for its management. The debt had increased one-third, that was from 600 to 800 million, and the terms of the bargain were therefore altered for the purpose of granting to the Bank a proportional increase of allowance for the charge of management. There was no ground, therefore, for the assertion, that the bargain between the Bank and the public could not be altered; and, as the allowance was increased in 1808, it was equally reasonable that it should be reduced now, when circumstances called for its reduction. He was satisfied, that by making such a reduction, 150,000*l.* might and ought to be saved, which now went out of the pockets of the people.

Sir *H. Parnell* said, that he thought the House should no longer delay to turn its attention to the expediency of renewing the charter of the Bank of England. Heretofore, it had been the regular custom to renew the charter several years before the existing charter had expired. The last renewal was made when the existing charter had eleven years to run: The present charter had nine years only to continue, and he felt very anxious to prevent the making of any agreement between the government and the Bank for a renewal, without a full examination of the policy of again conferring upon the Bank of England any exclusive privilege. The practice had been, for government to make a secret arrangement with the Bank; to submit it immediately to the proprietors of the Bank for their approbation; and to call upon the House the next day to confirm it; without affording any opportunity of fair deliberation. So much information had been obtained upon the banking trade, and upon the nature of currency in the last fifteen years, that it was particularly necessary to enter upon a full investigation of the policy of renewing the Bank charter, before any negotiation should be entered upon between the government and the Bank; and he trusted the government would not commence any such negotiation, until the sense of parliament had been taken on this important subject.

Mr. *Manning* said, he did not mean to oppose the hon. member's motion. The Bank had ever shown the greatest readiness to lay its affairs before the public. He had no objection whatever to the account of the public balances in the hands of the Bank, nor to the amount of the charges for managing the public debt, being produced. With respect to the returns made to the Stamp-office, which had been alluded to by the hon. mover, they would undoubtedly be continued for public purposes. The hon. member for Aberdeen had thought it quite right that the amount of the issues of Bank-notes should be laid before the House: but, surely, it was rather novel to ask for a list of bills, or to inquire into any retail transactions of a banker. If they once entered into this minute examination, he saw no mode of preventing a constant recurrence to it. The hon. mover had spoken of the large sums that were made by the Bank for the management of the public debt; at the same time that he did not deny the accuracy and promptitude with which the public business was conducted. The management of the debt was not, however, overpaid; for it should be observed, that the Bank were obliged to run the risk of forgeries in the transfer of stock. The charge for managing the public debt was exactly 7*d*. in the hundred pounds, which was no very exorbitant sum. The hon. member for Aberdeen had censured the Bank for lending money to the landed interest, as being a practice opposed to the principles on which that establishment was founded. Now, the fact was otherwise. They were empowered by their charter, to purchase lands, manors, and hereditaments; and an act had been passed in the time of king William, for the express purpose of encouraging the Bank to lend money on land. After all the complaints of gentlemen in this House on the subject of agricultural distress—after the repeated statements that they could not get any relief from the country bankers, it was surely rather hard to blame the Bank for granting that accommodation which could not be obtained elsewhere.

Mr. *Ellice* said, that the hon. director had totally misrepresented the argument of his hon. friend, the member for Aberdeen. His hon. friend had not made it a ground of charge against the Bank, that they had advanced money to the landed interest; on the contrary, he had contended, that if the government paid off the debt to the Bank, that corporation would be enabled to lend their money at a cheaper rate. With respect to the propriety of that House requiring from the Bank a statement of the amount of their notes in circulation, he admitted, that if the Bank were merely a corporate body, without any extraordinary privileges, like the Bank of Scotland, they would have no right to call upon them for such an account. But, the situation of the Bank of England was an exception to all general rules. It was a great monopolizing body, enjoying privileges which belonged to no other corporation, and to no other class of his majesty's subjects. Those privileges were granted for the benefit of commerce; but, instead of employing their capital for the advantage of trade, as was intended on its original establishment, the whole conduct of the Bank had been directly opposed to the commercial interests of the country. It was difficult, he knew, to find a set of men in that House to take this view of the subject; because the system of the Bank was in favour of the great capitalists. If a great capitalist went into the market, the conduct of the Bank did not affect him in borrowing; but it did affect the rate of discount between an individual and his banker, and it sensibly affected men of moderate capital. While others would be content to discount for 3½, the Bank kept up the rate to 4 per cent. As the Tariff of the Bank of England was a rule to all the other banks in the country, every person who went for discount to his banker, was obliged to pay 4*l*. per cent for it, because the Bank thought proper to charge that sum. He wished it to be seen, but, for himself, he did not believe, that of the legitimate security —commercial bills—in which the Bank ought properly to vest their money—he did not, he said, believe, that their security of that description amounted to half a million; and that only among the worst bills that came into the market. And yet it was said, that the House had not a right to ask the amount of the Bank paper in circulation. In his opinion, it was most necessary to ask that question, that the country might know what it had to trust to. Suppose money to be suddenly wanted, how, under the present circumstances, must the Bank proceed to raise it? Why, either they must sell Exchequer bills, and so distress the government; or call upon the landed interest, and so distress the country gentlemen. There was really an aversion to disclosure about the Bank, which he did not know how to account for. The director who had spoken last had said—"Would you ask us the amount of our discounts?" And, why not? Was the Bank of France in a jot the less credit, because it stated annually, not only the amount of its discounts, and of its paper in circulation, but actually of the profits which it derived, and of the bullion it had in its coffers. He took, of the whole question, the same view with his hon. friend near him; and, if ever it was in the power of the country to repay the Bank advances, he trusted that the opportunity would not be lost, of making government independent of that body. Such an arrangement, as it seemed to him, was particularly desirable, before the question of the renewal of the Bank charter came on. He hoped that that exclusive charter would never again be granted; and that the conduct of the Bank during the last ten or twelve years would make government very cautious how they entertained any such proposition. The right hon. the chancellor of the exchequer had protested against the idea of straining any point to the prejudice of the Bank. He thought, however, that the Bank had very little to complain of, when their stock, after all their past profits, was at 238. Upon the question, however, of the incompetency of the House to interfere with the management of the public debt, he differed entirely from the right hon. gentleman. With respect to the agreement between the Bank and the public as to the management of the public debt, there was a part of the correspondence with Mr. Perceval, in 1808, which very much strengthened the view which his hon. friend, the member for Aberdeen, had taken of the case. Mr. Perceval's words were these:—"Under this disposition I am strongly inclined to give way to the suggestions of the Bank, as regards the manner of arranging that part of the public debt, so far as it applies to present circumstances, or to circumstances expected to occur within a short period." It was evident, from these words, that it was not the intention of the government to preclude the House from any future consideration of the subject, or any alteration in the terms of the agreement, which circumstances might subsequently render necessary. At a time when reductions had been made in every department of the public service—reductions which, in many cases, operated with great severity, as a tax upon the income of men who had served the public—the country had a right to expect a reduction in the inordinate allowance made to the Bank for the management of the public debt.

Mr. *Pearse* contended, that the conduct of the Bank did not deserve the censure which had been passed upon it. The directors had not been induced to refuse the accounts, because they were afraid to produce them, but because they did not conceive it fair, or warranted by the occasion. With regard to the balances, four millions sounded high in a round sum: but the House was mistaken, if it supposed that the Bank derived such vast advantage from it. The total was made up of various small sums under sixty different heads of account; and therefore could not be productive of very great profits.

Mr. *Baring* said, he thought it was premature to be discussing at the present moment the question of renewing, or not renewing, the Bank charter; but if any persons believed that the country would be able to get on without any such establishment as a Bank, or without an establishment a good deal like what the Bank was at present, he differed from such persons in opinion, and he thought that they would find themselves mistaken. With the management of the public debt he would not meddle, for it was a subject which had been already canvassed over and over again. The question of the balances, as it seemed to him, had always been most unfairly stated by the hon.

member who had opened the debate. It did not appear to him, that the sum of 120,000*l.* was more than they were entitled to; for one of the items in the correspondence between the Bank and Mr. Perceval was, that the Bank should receive a compensation at that rate; so that the balances being now four millions instead of six, he thought that the sum of 120,000*l.* was not more than the Bank had a right to receive. Another part of the complaint against the Bank was, that they lent their capital at the rate of 4 per cent. It was undoubtedly true, that at present the public could receive no advantage on these terms; but the House were bound to remember the time when the Bank did lend at 3 per cent, and that, too, at a considerable advantage to the public. With respect to the loans of money by the Bank upon mortgage, there was no doubt that under existing circumstances, the country gentlemen had been greatly benefitted by the practice: but, at the same time that he fully admitted the extent of the present advantage, he was compelled to consider the principle as in the highest degree doubtful. And he thought it, indeed, a course the most likely that could be taken to carry the country, at some future period, back to the distress and evils of a paper system. If the country, while we were in a state of peace, was to be kept in readiness for a state of war, an efficient bank was just as necessary to us as an efficient army and navy. But, if the Bank should have twelve or thirteen millions of capital vested in mortgages, in addition to the burthen of the dead weight, they would be but ill-able to render the country any assistance, should we be compelled to enter into a war of any importance, where a great exertion would be required; so, that, although he was perfectly sensible of the partial advantages conferred by the system of loans on mortgages, yet he trusted that the House would not shut its eyes to the public danger that might arise from the practice. It was impossible for him to mention the subject of the naval and military pensions, without recalling to the attention of the House the constant and decided warnings which the Chancellor of the Exchequer had received, against entering on so extraordinary a project. From no man of sense, had he received the least encouragement; and he really believed the right hon gentleman had been drawn into the scheme, merely from a desire to screen his predecessor from exposure. He could never believe that the right hon. gentleman could ever have originated such a proposition; particularly when he recollected the sound, and enlightened, and liberal opinions, which he had heard him, with so much satisfaction, deliver in that House. He conceived that the greatest possible sacrifice had been made by the public, when that bargain was made with the Bank. It was worth to the Bank nothing short of a million and a half. They might talk of 120,000*l.*: but, let any man only take the trouble of putting pen to paper, and he would find that there had, at least, been a sacrifice, on the part of the public, of a million and a half [hear, hear!]. At the time when the contract was made, the government undertook to get money from the Bank, for five years prospectively at 74. Thus we borrowed at 74 and paid at 90, and very possibly we might have to pay at par. It was a strange financial operation, by which the country was to borrow at 74 and possibly redeem at 100. He knew the answer that would be given to this statement, "the stocks have got up, it is true, but might they not have fallen? and if so, would not this have been a good bargain on the part of the public?" But, let the question be considered in what manner it might, still he thought the measure most impolitic and injurious; for, if the country had been drawn into a war then the bargain would have been good for nothing; inasmuch as the Bank would have been choaked with the burthen of it, and would have been unable to render the country assistance; and, if it was expected that we should remain at peace, then, he contended, the one million and a half had been completely thrown away. However, he must again repeat, that he completely exonerated the Chancellor of the Exchequer from any blame in the arrangement; and he sincerely trusted, that nothing would induce him again to renew a financial operation of that description. Let any gentleman only look to the balance-sheet of this year, and he would see how perplexing and unintelligible this operation was. He defied any gentleman in that House, not connected with the Treasury, to explain what was its precise meaning or tendency. If any country gentleman, wishing for information on that subject, and not acquainted with its technicalities, should take up that paper with a view to inform himself, he must throw it down in disgust, unable to discover its meaning. There was another circumstance to which he wished to call the attention of the House. It had been suggested as being desirable to pay off the debt due to the Bank. Now, it appeared to him quite useless to pay off the debt for the purpose that had been alleged, namely, that of rendering the government independent of the Bank. But in the present state of the money market, he saw no difficulty in accomplishing that object; for the government could render themselves independent of the Bank in five minutes, by borrowing the fifteen millions, which were due to it. On the subject of the sinking fund, it would perhaps be more convenient to remark after the chancellor of the Exchequer had made his exposé of the finances of the country, but it appeared to him, that the best application of that surplus of the revenue would be to the payment of those claims on the country which must be paid in money; either to defray the sum which was due to the Bank (if that were considered necessary), or the payment of Exchequer Bills; but he protested altogether against its present application, namely, the repaying at 100 what we had borrowed at 50 or 60.

Mr. *Hudson Gurney* said, that though the right of the House, now that the Bank paid in specie, to call on them for a return of their notes in circulation might perhaps, be questionable, he thought it matter of great public interest, that the amount should be periodically known; as, in point of fact, the Bank issues, payable in specie or not, had an immense influence on all money transactions: and he would put it to the Bank Directors themselves, whether, in continuing to give the public such information, they would not consult their own convenience, and indeed safety: as any alarm which at any time might arise, might bring the same sort of ruin on them, as took place in 1797, and be infinitely increased, by an exaggerated idea of the amount of their notes in circulation: the effect of concealment then having been, that Paine had estimated the notes of the Bank at sixty millions, when it was found they were only nine.

Mr. *Maberly* said, he considered the profit which the Bank of England derived from the management of the public debt much more than they had a right to receive; and he thought it would be very adviseable that a committee should be appointed to examine the matter, and determine what profit the Bank should receive; and if, as had been stated, 100,000*l.* was sufficient for them, he could see no good reason why they should receive 200,000*l.* He was ready to give them a fair and liberal remuneration, but he was not prepared to give them any thing they might demand. They might talk as long as they pleased of the Bank lending money to the public at 3 per cent; but he believed, if a committee were appointed, it would be satisfactorily proved, that they received 5 or 6 per cent. He could not say positively that, according to their charter, they were not entitled to it; but if there was not an express stipulation to the contrary, he would not allow the Bank more than a fair and reasonable profit. He thought the chancellor of the Exchequer should take some legal opinion upon the subject; and, if no doubt was found to exist upon that point, the Bank should not be allowed to receive more than a fair remuneration and a liberal profit.—On the subject of the dead weight he could never speak without deprecating that contract with the Bank, as most impolitic and unwise; and as a measure by which an enormous gain was given to the Bank, and an enormous loss was sustained by the public. It was a most wanton bargain, by which the country had suffered considerably.

Mr. *Monck* said, he did not conceive the Bank was enabled by its charter to lend money on mortgages. He knew the word "pledges" was introduced; but that referred to gold and silver, and merchandize belonging to merchants, and if mortgages had been contemplated, they would, no doubt, have been introduced. Nothing could be more dangerous to the public, than for the Bank to invest its capital in mortgages. What would be the situation of the country in case of a war, if the capital of the Bank was tied up in mortgages the Bank would be coming down to that House, having invested, perhaps, twelve or thirteen millions of capital, with a statement of their distresses; they would be obliged to stop payment in money: and then we should see renewed all the evils from which we were only now recovering. If any illustration were wanted of the state of things which he was endeavouring to describe, he might advert to the failure of the country banks in 1815. Many of those banks were solvent in effects; but for those effects they were unable to get money, and thereby desolation was spread around the entire country. They now found the Bank of England exactly following in their footsteps. If the Bank themselves were to be the only sufferers, he should not complain; but their conduct would affect the country at large. The only security against the catastrophe which had occurred in 1797, would be, to institute a proper inquiry into the state of the Bank. If that inquiry had been made at that unhappy period, the calamity to which he had alluded would never have occurred. The Bank of France had been most properly cited as an example, for they not only furnished a statement of their accounts, but a committee was actually appointed to sit in judgment on them, to ascertain their profits; and they were not allowed to divide more than their due. He could see no other means whereby the evils of 1797 could be avoided, than by compelling the Bank to publish an annual account of their issues. It had been stated, that it was desirable there should be some great company like the Bank to lend money to the public; but did we not know that there were many companies who would be glad to do it on more advantageous terms? It had also been asserted, that the Bank had maintained its credit for twenty years; but, in the year 1797, they were compelled to stop payment; and God forbid that such another twenty years should ever return! He hoped that, when the Bank charter came to be considered, its renewal would not be granted, as a matter of course; for he was quite persuaded that in the city of London, twelve merchants could be found whose security would be just as unquestionable as that of the Bank, and who would be glad to do the public business gratuitously. He therefore saw no reason whatever why we should make a compliment of 2 or 300,000*l.* a year to the Bank.

The motion was agreed to.

GAOL LAWS AMENDMENT BILL—TREAD-MILL.] Mr. Secretary *Peel* rose, pursuant to notice, to move for leave to bring in a bill to amend the Gaol act passed in the last session. It had been found, upon carrying that act into execution, that there were one or two particulars which impeded its operation, and to amend it in these respects was the object of his present motion. In the first place, the act as it now stood required certain things to be done at the general quarter sessions in each county. The counties of York and Lincoln being divided into districts, and the periodical administration of justice in those counties being under a different regulation, there were no general quarter sessions, and therefore, until by a new enactment they should be included in the act, they could not be brought under its operation. Another of the amendments which he proposed to introduce was, to give to local magistrates a power of committing prisoners to the county gaol at once, instead of to the district prisons. He was convinced that the more this practice was reduced the better; and it would be still more advantageous, if there were only one gaol in each county, to which all the prisoners should be committed. As far as he had been able to gather the general wish of the inhabitants of the districts he alluded to, they would prefer having their prisoners committed to the county gaol, and would willingly pay the expense of carrying them thither. The uniformity of discipline which prevailed in county gaols could never be attained in smaller prisons; while any abuses which crept into the former would be more readily discovered and corrected, The prisons of the local jurisdictions sometimes contained no more than four or five prisoners; they were not subject to the same visitation as the county gaols; nor was it possible to place them under that inspection which was so easily applied to a larger number. There was also another topic which he intended to include in the bill. Great difference of opinion prevailed, with respect to the compelling prisoners who were committed for trial, to labour in the same manner as those who were under sentence. He had no hesitation in saying, that he thought prisoners ought not to be kept to hard labour before trial; but, for the purpose of removing all doubt and difference of opinion upon the subject, he should insert a clause to that effect. An hon. gentleman (Mr. G. Bennet) had given notice of his intention to propose a measure respecting this particular subject, but as he understood that to be only in case he (Mr. Peel) did not take some steps in it, the hon. gentleman would now probably not think it necessary to fulfil that intention. He concluded by moving for leave to bring in a bill to amend the Gaol act of the last session.

Sir *E. Knatchbull* concurred entirely with the right hon. secretary, in the amendments which he proposed, and deprecated the practice of keeping prisoners to hard labour before trial. There was, however, another, and no less objectionable practice, namely, where prisoners who had been sentenced by the court to imprisonment, but not to labour during that imprisonment, were still made to labour, upon the principal that they ought to provide for their support as long as they were within the prison. He thought that some remedy for this illegal practice ought to be provided in the proposed amendments.

Sir *T. Lethbridge* took that opportunity of complaining of the hardship and injustice which was experienced by the land-owners in being compelled to pay the whole expence of the administration of criminal justice in each county. That expense was entirely defrayed out of the county rates, and had undergone so rapid an increase within the last fifty years, that it was now a very important charge. He had looked into the accounts of his own county for some years past, and, without troubling the House at any length, with the particulars of the great increase, he would merely state, that in the year 1761 the charge for printing was 33*l.* 18*s.*; while in 1819, it had increased to 1,200*l.* The salary of the clerk of the peace in the first mentioned year was 300*l.* per annum, and now by means of additional fees, it amounted to 1,300*l.* He was aware that at present there was no other source but the county rates from which these expenses could be paid, but he trusted that the right hon. gentleman would recognize, among the alterations which he proposed, the principle, that this expenditure should be borne by the nation at large, and not be taken from the land alone. He hoped that a committee would be appointed to inquire into the best mode of relieving the land-owners from this charge, and that at the same time an inquiry would be made into the mode of assessing the poor-rate, which might be considered as an item of the county-rate.

Colonel *Wood* rose also for the purpose of suggesting to the right hon. gentleman an alteration in the consolidated gaol act of the last session; he meant so far as related to the classification clauses. If they were to be carried into execution, it could only be done at an expense which the smaller counties were ill able to bear, and which moreover appeared to be quite unnecessary. In Breconshire, the county which he had the honour to represent, the gaol consisted of four yards, four day-rooms, and six cells; an estimate had been made of the sum it would cost to make the alterations required by the consolidated gaol act, and it was found that at the least it would take 3,000*l.*, or the amount of four county-rates; while it was quite certain that one half of it would never be occupied. In the adjoining county of Radnor, the gaol consisted of two yards, two day-rooms, and four cells; the only prisoner was sentenced to two years imprisonment, and he had petitioned to be transferred to the other county gaol, in order that he might not be kept in solitary confinement. He trusted that, seeing the number of prisoners in the gaols of the Welsh counties, which, for the honour of the principality, he was glad to say were very few, those gaols would be exempted from the operation of the classification clauses.

Mr. *Hobhouse* rose for the purpose of calling the right hon. gentleman's attention to the injurious consequences of the introduction of the tread-mill into the prison discipline. Notwithstanding the reports which the right hon. gentleman had received respecting it, he (Mr. H.) thought that a mere inspection of the machine was sufficient to prove its inadequacy to the purpose for which it was intended. All the persons sent to it were exposed to the same degree of labour; without any allowance being made for difference of strength and constitution. The committee on prison discipline had furnished even a more cogent reason why punishment should be in some degree modified, when they denounced it as a dangerous instrument of oppression in the hands of wanton and ignorant persons. He was happy to see the promptitude with which the secretary of state for the home department had met the gross misapplication of this system in a recent case where magistrates had contended for the power of dooming persons to the tread-mill before trial. How any living beings could, for one single instant, have presumed that they were justified in such a misapplication, appeared to him a most extraordinary phenomenon. And (said Mr. Hobhouse) I must be allowed here to say, that if the magistracy of this kingdom evince such a promptitude to exercise powers of harshness and oppression, and unless such a spirit be met by the resistance of this House, and of the government, that body, which have, perhaps too hastily, been called a blessing, will degenerate into one of the greatest curses with which the people of this country could be afflicted. It is too much the case for magistrates to consider themselves, not as magistrates merely, but as parcel and part of the government; and therefore it is that I feel it highly creditable to the right hon. secretary, that he has given them this lesson—that, when they assume a power in which they are not justified by law, by him they will not be countenanced. In what code of legislation in any country—in what usage of their own—could they have found even a pretext for such a course? It is no excuse for men bound to execute justice, that they thought they were right. If their own consciences were silent they had the same means that were open to every other person of consulting those, who were conversant with the statutes of the country before they proceeded to act upon such an assumed power. And here he could not help suggesting a hope, that the right hon. secretary would direct his attention to those punishments, latterly introduced into our prisons, where men not sentenced to that kind of punishment were placed in solitary imprisonment. He did hope that the utmost circumspection would be exerted in watching the operation of the new system, lest it might be converted, in the hands of ignorant and wanton persons, into an engine of dreadfull oppression.

Alderman *Wood* could not coincide in the fears of his hon. friend, as to the apprehension of any excess of punishment from the introduction of the tread-mill. That system of labour had been in practice in the city of London for the last hundred years, on the commercial quays; and he, therefore, could not see any reason to suppose that that portion of labour which was voluntarily undertaken by the labouring classes, could operate prejudicially as a species of prison discipline. In the gaol of Newgate a severer kind of labour was made applicable to the wants of the prison, and no bad effects had been experienced from it. With respect to the proposition thrown out by the hon. member for Somersetshire, he should only say, that complaints of expense came with a very bad grace from a county whose prison and whose prison discipline had been the subject of censure in a parliamentary report. As to the expenses attendant on the administration of criminal justice, he begged to say in answer to the hon. baronet, that, with the exception of the expenses to witnesses, which lay with the judges, the remainder was under the control of the local magistracy. The city of London met its expenditure, great as it was. Why should not Somersetshire? on what grounds, was the country at large to be burthened with expenses, incurred for local purposes?

Sir *C. Cole* stated the severe hardship which the new law imposed upon the counties in Wales. The greatest number of prisoners that he ever knew to have been in the gaol of Glamorganshire were 18. The annual average was six; and yet, under the classification of prisoners, the expense to the county would be 5000*l*. He trusted some exception would be made in favour of the Welsh counties thus circumstanced.

Mr. Secretary *Peel* said, that in reply to the observations of the hon. baronet, the member for Somerset, he should only observe, that he would willingly attend to any suggestion which would afford the best means of giving the fullest information to parliament, on the subject to which the hon. baronet had alluded. But he was persuaded that, for a due control on the expenditure which local burthens created, the local magistracy was best calculated to devise the means. To place such a duty on a public officer for the country generally, was, in his judgment, most objectionable; and would lead to a much larger expenditure, and to a less efficient check. He must be allowed to add, that if great burthens arose in counties from the expenses of criminal prosecutions, the certain method to reduce the amount, was by a salutary and efficient system of prison regulation. With respect to what had fallen from his hon. friends, the members for the principality, with every disposition to attend to the particular cases, he felt great difficulty in admitting the principle that there should be no classification of Welsh prisons. In his present view of their objections, however, he should merely throw out as a suggestion, that though it was impossible to admit the exemption claimed, yet he thought the difficulty might be met, by three or four Welsh counties combining to erect a prison for themselves. The purposes of classification would, in that case, be fully answered. With reference to what had fallen from the hon. member for Westminster, he really wished that hon. gentleman would take the trouble to peruse the returns, which would shortly be laid on the table, on the subject. He (Mr. P.) had caused a most minute inquiry to be made, and the weight of individuals subjected to the punishment of the tread-mill to be noted; from which it would appear, that so far as increased weight was an indication of good health, the punishment could not have operated injuriously. As the labour was only for the short period of a quarter of an hour at a time, nothing could be more easy, if it were found necessary, than to give to the robust man two turns, and to the weak man only one. Indeed, the peculiar advantage of this punishment was, that it could be graduated. If it were said, why, then, was it not? the answer might fairly be, that the magistrates did not find any ill effects on the parties subjected to this discipline. On the whole, he considered the tread-mill as an admirable contrivance, and that no system of labour could be devised which was so little liable to abuse. It was not necessary for him to defend the general conduct of the magistrates of this country. He believed there was only one single case of a misconstruction of the act, and that was in the north riding of Yorkshire; but to remedy that, he should introduce a clause to exempt a prisoner from the labour of the tread-mill prior to his conviction.

Leave was given to bring in the bill.

JURIES LAWS CONSOLIDATION BILL.] Mr. Secretary *Peel* said, he had next to address the House on a subject of considerable importance; namely, the consolidating, and in some degree amending, the various acts relative to the summoning and challenging of juries. It was wholly unnecessary, in this period of our history, or in that House, to pass any eulogium on that great barrier of public security. Neither would it be supposed that any measure he was about to introduce was intended to weaken, in the slightest degree, the efficiency of that admirable system. His object was, to consolidate all the various statutes now in existence, and in some particulars to amend the jury enactments. When he assured the House that there existed no less than fifty different statutes applicable to the summoning, the qualifications, and the challenging of jurors, the very existence of such a fact would shew the propriety of consolidating all those various enactments into one act. There were also many of those enactments which had been partially repealed, or whose provisions had, in the progress of time, been made a dead letter. Looking at the titles of some of these statutes, it would be difficult to ascertain that they bore the slightest reference to the impanelling of juries, so mixed up were they with the most incongruous subjects. They would find the title of one of those acts to express itself a provision for the recovery of small fines, and also for the summoning of jurors. Another they would find to express itself an act for the regulation of vagrants, the exporting of leather, and the ease of jurors. Another went to provide for the payment of seamen's wages, the prevention of clandestine traffic in silk mixed with stuff, and the summoning of persons from juries. Then came a fourth, for the exemption of apothecaries from filling the office of scavengers, and certain exemptions also from serving on juries—so vague and incongruous were the acts of parliament which regulated the qualifications and the duties of that most important duty. It must, therefore, be an object of general satisfaction to extract from these various statutes, which amounted to twenty at least, all that was valuable and necessary. So far as to the acts which regulated the summoning of jurors. He did not believe that those which referred to the challenging of jurors amounted to so many, but still they were numerous. With the permission of the House, however, he would bring in the bill, and when printed, an opportunity would be afforded for examining those amendments which it was impossible for him at present accurately to describe. He trusted that there would not be found in it a single provision, the effect of which would not be an amendment of the present system. But, the chief amendment would relate to an extension of the qualification of jurors. The bill would also contain some enactments, having in view more effectually to compel the attendance of jurors, and thus to equalize the burthen of the duty on the community. It would likewise provide the means of taking from subordinate officers, such as constables and tithing-men, the naming of jurors. Magistrates would have the power of checking the returns of such subordinate officers, of inserting the names of all persons qualified to be jurors, and of punishing the omission of such names. He would defer any further remarks until the measure should be before the House, in a printed form; and would now move for leave to bring in a bill "to consolidate and amend the laws relating to the impanelling of Juries."

Sir *J. Newport* expressed his earnest hope, that some similar measure would be extended to Ireland, where the abuses on the subject were such as almost to amount to a surrender of the administration of justice into hands wholly unfit to hold it. When the measure should be brought before the House, he would take an opportunity of stating which of its provisions might be advantageously applied to Ireland. He did not believe that the same bill could be made to embrace Ireland. For many reasons, the measure must be separate. But with the local knowledge which he possessed of the great evil of the law, as it now existed in Ireland, and of the gross oppression which was the result of the lax administration even of that law, in consequence of the subordinate hands into which the administration of justice fell, and of the prejudices and local jealousies which operated to its perversion, he should not be doing his duty were he not to claim for Ireland the benefit of some similar measure.

Mr. *Wodehouse* highly approved of the measure, and dwelt on the expediency of introducing a bill to enforce the attendance of special jurymen, who, in many counties, were very negligent of their duty. He was desirous also that returns should be regularly made of the persons summoned to serve as special jurymen, especially in the courts of Middlesex. Disclaiming the slightest intention of casting any reflection on the learned persons presiding in those courts, he could not help thinking, that in some of them, especially in the court of Exchequer, there was a considerable laxity of proceeding on this subject. He repeated his entire approbation of the proposed measure. By a steady and quiet attention to such subjects, though no noisy fame might be attached to it—the right hon. secretary would confer the greatest benefit on the country, and one which the great body of the people would duly appreciate.

Mr. *Hume* observed, that he had last session moved for returns respecting this subject. He had long been perfectly satisfied, that the composition of juries ought to be left to chance; that was, that the members of them ought to be drawn by lot or ballot: for if the honestest man that ever lived were entrusted with the selection of a jury, it would be impossible that strict justice could be done. It was with great pleasure, therefore, that he heard of the modification of the existing law, which the right hon. gentleman proposed; and he trusted that he would introduce into it a provision for appointing juries by ballot. If ever there were grounds for any legislative proceeding, the right hon. gentleman had laid those grounds. Nor did they stop there; they extended to the necessity of subjecting the whole statute law to the same simplification. It was well known that a noble lord, now no more, had proceeded a great way in the simplification and consolidation of the statute law. With the disposition which his majesty's government seemed now to entertain, he could see no difficulty in carrying so desirable an object into effect, and of reducing the five-and-twenty massy volumes, in which the statute-law was now spread out, into a space which would enable every man to ascertain how far, in any particular proceeding, he was or was not violating that law. In making some inquiries recently respecting the prerogative courts (a subject which it was his intention shortly to bring under the consideration of the House, in consequence of the exorbitant fees which he found charged on the recovery of property in those courts), he found that, in an act of parliament passed so late as 1813, which had been introduced by lord Stowell and sir John Nicholl, and which had for its object the regulation of tithes, clauses were introduced wholly unconnected with the subject, and relating to the employment, and to the exceptions to the employment, of proctors in those courts. This afforded an additional proof of the necessity of revising, simplifying, and consolidating our Statute-book.

Mr. *George Lamb* did not mean to oppose the right hon. gentleman's motion, nor would he have risen at all, had it not been for what had just fallen from the hon. member for Aberdeen. He must say, that he regarded with some jealousy these consolidation acts. They were seldom purely such. There was always some new provision which appeared so desirable, that flesh and blood could not resist introducing it. For instance, the right hon. gentleman no sooner proposed a consolidation of the jury laws, than the hon. member for Aberdeen branched out into a proposition for consolidating the whole of the statute-laws of England. As far as he could judge of the amendments proposed by the right hon. gentleman, he did not dissent from them; but he must say, that every new act of this nature seemed only to create, instead of to remove doubts. What had been the case that very evening? Scarcely two sessions had elapsed since a general Prison law bill had been passed, by which it was said that that subject was set at rest; yet now parliament was applied to to agree to a bill to amend the provisions of the former act. He admitted that there was much confusion in the Statute-book, owing, in a great measure, to carelessness in the formation of many of the statutes, and especially of the old ones; but this was a subject which ought to be treated with considerable caution. As to the evils of the jury system, he certainly should not object to their being remedied by a separate bill; but really that system seemed to him to work so well, that it might be safely left in its ancient form. It was impossible to know where these consolidation acts were to end. One observation had always struck him; namely, that whenever the legislature passed one of these consolidated acts, it had always the effect of reviving some absurd and oppressive, but until that period, obsolete statute.

Dr. *Lushington* said, he was very unwilling to engage in the present discussion, but he could not allow the observations which had just been made to pass without remark. His hon. friend who spoke last thought that parliament ought to be satisfied with the existing statutes, in the confusion in which they were; and conceived that there was danger in consolidating them, because in the operation some error might creep in, which it might be afterwards necessary to rectify. The answer to this was, that here was a great existing evil; so great, indeed, that it was almost impossible, on any given subject, to ascertain what the statute-law was. He would venture to assert, that there was no lawyer in the land, however learned—not even the noble lord at the head of the law in this country—who could say, with reference to any subject, that there might not be some statute respecting it, of which he had no knowledge. The multiplicity and confusion of our statutes constituted one of the greatest grievances conceivable. And if so, why should not a remedy be applied? Was the apprehension, that something might creep in of which it would be afterwards desirable to get rid, to operate in deterring parliament from such an undertaking? It was contended, that if a consolidation of the statutes were to be effected, the country would lose the benefit of the decisions which had taken place on the law as it stood. But he would appeal to any lawyer, whether, in suits of law, cases were not cited by the counsel on both sides without end; and with equal earnestness and confidence, until the unfortunate judge was overwhelmed with contradictory decisions on the point before him? Was not that a great grievance? There was another. Not only was the law in many respects unknown to those whose duty it was to study it, but the community at large were wholly ignorant of it. Many were the persons who had been executed for acts which, before the commission of them, they did not know were capital offences. As to the bill for amending the gaol act, leave to bring in which had that night been granted; it was not wonderful that a measure which had occupied the legislature for two sessions, and which was of so difficult and complicated a nature, should be found to have some defects requiring correction. It would be highly advantageous for the magistracy of the country if the statutes were simplified and consolidated. At present they were obliged, what with statutes and reports, to have almost a lawyer's library, the value of which was about a thousand guineas. He was convinced that the more the subject was considered, the more apparent would be the necessity of consolidating the existing statutes.

Sir *E. Knatchbull* was much in favour of a consolidation of the laws relating to the impanelling of juries; although he was not at present prepared to admit the necessity of extending the qualifications of jurors.

Leave was granted to bring in the bill.

CATHOLIC DISABILITIES—PERSONS IN OFFICE IN IRELAND.] Mr. *Grattan* rose to submit a motion to which he could not anticipate any reasonable objection. It was merely for some returns as to the names and religious profession of certain individuals filling particular offices in Ireland; and his motion was, in effect, concurrent with that of which a noble lord had recently given notice. The house were well aware that, in 1793, an act was passed, declaring Roman Catholics, as well as Protestants, eligible to all offices and posts in Ireland, with the exception of such as were therein by name excepted. Now, the immediate object he had in view was, to show how this statute had been acted on, and who had been omitted out of its operation since 1793. And he really did believe that these returns would go far to demonstrate what was the real cause of the political evils which had so long afflicted Ireland; for they would prove, that, out of the many offices which the act declared Roman Catholics competent to fill, there was hardly one to which a Roman Catholic had been admitted. If it had not been for this most unjust and invidious sort of exclusion, Ireland would not have been agitated by half the troubles which had befallen her; and such an evasion of the act of 1793 was productive of more harm than all the penal statutes that oppressed her. At all events, if Parliament were to repeal the latter to-morrow, the repeal would scarcely effect greater benefit to that unfortunate country, than the due observance of this equitable act would ensure to her. Of 74 trustees of the Linen board, not one was a Catholic. The directors of the Bank of Ireland had the management of a great portion of the Catholic property, and yet not a single director was a Catholic. He would move "That there be laid before this House, a return of the names of the persons holding the following offices or appointments in Ireland; distinguishing those who profess the Roman Catholic Religion—barristers, commissioners of bankrupts; barristers, commissioners of insolvent court; barristers, commissioners of inquiry into fees, &c. of courts of justice; barristers, taxing officers of law courts; barristers, counsel to the crown for the six circuits, for the assizes of 1823; barristers, counsel to the customs, excise, commissioners of stamp duties, and other government offices; barristers, magistrates (with salaries) of police of the city of Dublin; barristers, commissioners of appeals in revenue causes; chief magistrates under the insurrection and constabulary acts; trustees of the Linen board; general inspectors of prisons; governor, deputy governor, and directors, of the bank of Ireland: scholars of Trinity College; commissioners for distributing the grant to the lord lieutenant, for promoting education; commissioners of general board of health; commissioners of inland navigation; commissioners for auditing public accounts; commissioners of customs; commissioners of excise; commissioners of stamp duties; commissioners for paving and lighting the city of Dublin; commissioners for erecting fountains in the city of Dublin; commissioners for preserving the port of Dublin; commissioners for wide streets in the city of Dublin; crown solicitors; clerks of the crown; clerks of the peace."

Mr. *Goulburn* said, it had not been his good fortune to be in the house when notice of this motion was given, and it was only by accident that he had seen it in the paper. But, as it stood there, it was by no means so detailed as the motion now submitted by the hon. gentleman; for it was there described as a "return of the names and religious persuasions of all persons connected with the general administration of justice, receipt and management of the revenue, the general manufacture and education of Ireland." He thought that every body, upon reflection, must see a sufficient reason for his refusing these returns. It would be the first time that this house, by an order of its own, had ever thought fit to call on certain bodies in the community to make a return of the religious persuasion of the various persons of whom they were composed, or of those of the officers they employed. Hon. gentlemen must be aware, that even in the case of the common population returns, which it was considered expedient to make at stated periods, an act of parliament was always passed to authorize the degree of power necessary to be exercised, in order to get such returns prepared. Yet, in a motion of this inquisitorial nature, it was thought sufficient that an hon. member should merely come down and move the returns as matter almost of course. It had, indeed, been the policy of the legislature to require, that the candidates for certain offices in the state should make a profession of faith before they were allowed to enter upon them, but such a test was never required of those who had already entered, and were in the enjoyment of offices. This would be a principle quite new to our constitution, and one which he would ever oppose. The motion called for the return, not only of grand jurors and petty jurors, but also of all persons connected with the administration of justice. Now nothing could be more unreasonable than that, in such returns, should be included individuals whose services were purely honorary, and without emolument. He had no objection, however, to a return that should be confined to those who had already taken the test oaths. In the stamp and other departments, there was no necessity for inquiring into the religious persuasion of the officer; and, during his own connexion with Ireland, had he made it a rule to forbear, in cases of such appointments, from inquiring at all into the religious or political opinions of the party. On the grounds he had stated, he should resist the motion.

Lord *Althorp* said, that when the House considered, that five-sixths of the people of Ireland were Catholics, and that scarcely one of them had been appointed since the year 1793 to those offices which, by the law, they were eligible to fill, they could not suppose it was the mere effect of chance. Much more fair was it to say, that it was the effect of that exclusive system which had been so long acted on in Ireland, and which had produced so many misfortunes. The right hon. gentleman had said, that he never considered the religious opinions of persons whom he appointed to offices; but, if that principle had been acted upon in Ireland, how could the House possibly account for the fact, that so very few Catholics had been appointed to offices of emolument in Ireland. The right hon. gentleman had said that the motion would, if granted, lead to the exercise of inquisitorial power. Now, there was nothing inquisitorial about it. Was it not perfectly notorious who were Catholics and who were Protestants? The object of the motion was one of considerable importance. In Ireland, the returns moved for might not be of so much importance, because there the exclusion of the Catholics was perfectly well known; but in England the fact was otherwise, and it was of great importance that those returns should be laid on the table of that House, in order to show to the people of this country the real extent of the Catholic grievances. For his own part, he was not at all aware, until he had made particular inquiries, of the small number of Catholics who had been appointed to offices of honour or of emolument in Ireland. The returns would tend to shew how few were excluded by law, and how many were excluded by prejudice. Such was the wretched state of Ireland, that her people were considered a degraded caste; and so they were likely to continue, as long as the penal laws remained what they were. The returns would shew this country the importance of Catholic emancipation. They would also shew how Ireland was really governed. He could not see any fair objection to the motion.

Mr. *Hobhouse* said, that the noble lord had in a great degree anticipated the observations which he intended to have made. The object in view was, to ascertain whether the act of 1793 had or had not been carried into effect. How could the House come at that fact, save by the returns which his hon. friend had moved for? The House had a right to be acquainted with the fact, whether Roman Catholics had or had not been admitted to those offices to which, by law, they might have been appointed. He had the act before him—he saw the offices to which Catholics might have been appointed. On the other hand, he had a document, under the hand of a gentleman of respectability, stating that Catholics were not admitted to any one of those offices.

Mr. *Goulburn*: Without meaning any disrespect to the gentleman who made the statement, I must say, that it is not the fact.

Mr. *Hobhouse* resumed: The right hon. gentleman might be right: the question was one of importance; conflicting assertions were made; and the returns which had been called for could alone show who was right. The noble lord had said that nineteen out of twenty of those appointed were Protestants; and an hon. friend below him, had stated, that they amounted to 49 out of 50. As to what the right hon. gentleman had said, that that House had no right to inquire as to who were Protestants, or who were Catholics, was it not the daily practice of that House to make inquiries? Would the right hon. gentleman take upon him to say, that the persons who held offices in Ireland would object to answer the question as to their religion? No, they would answer with alacrity: these inquisitorial horrors existed only in the imagination of the right hon. gentleman. The object of the motion was, to show, how completely the religion of a man operated as a bar to honour, and to emolument. The people of Ireland were, like the people of England, and like every other people in the world, fond of influence and of honours, felt the bitterness of degradation and unjust exclusion. The House had a right to become better acquainted with the system carried on in Ireland. It was the expressed wish of the sovereign, on his visit to that country that no difference on matters of religion should prevail—that no unjust preference should be given. Had that wish been carried into execution? Did no unworthy preference prevail? These were points which the returns now moved for would establish one way or the other. The fact, he believed could not be doubted, that a very insignificant party, compared to the population at large, engrossed the honours, the influence and the emoluments of Government. Of the offices in the law, which were open to the Catholics, there were eight open to Catholic barristers, and 13 other offices connected with the administration of justice; and yet not one of those offices was filled by a Catholic. When the House reflected upon the fact, that Ireland had, from the dawn of her history, displayed great talents; that her people, naturally ardent and aspiring, cultivated the science of eloquence; that at the Bar some of the most eloquent of its members were Catholics—they could not fail to see the injustice and the impolicy of that exclusion. Forty-nine out of fifty offices in Ireland were filled by Protestants. What, then, with that fact before them, could the House think of that equal participation—that even-handed justice—which ministers were so much in the habit of boasting of having dealt out to the people of Ireland? The right hon. gentleman had objected, that some of the appointments were merely honorary; but the Irish, like the rest of the world, thought something of the honour, as well as of the more substantial emoluments of office. The excuse which the right hon. gentleman had given for his opposition to the motion, was at least a very suspicious one; and, without meaning any thing personally disrespectful to him, surely it was not quite the true one. The fact was, the right hon. gentleman did not like that there should be laid on the table of the House a record shewing that not one Roman Catholic had been admitted to any of those numerous offices to which they were equally competent with Protestants, under an act of Parliament. How many Roman Catholics there must be, the right hon. gentleman very well knew.

Mr. *Goulburn* said, he really did not.

Mr. *Hobhouse*.—Then, if the right hon. gentleman did not know, he ought to inquire how many Roman Catholics were employed by the government in any official appointments in Ireland. Could any knowledge be more necessary for the secretary for Ireland? The return now moved for would shew, that all the boastings of parliament, as to what they had done for Ireland since 1793, were vain; that they had only kept that predominating party in power, which claimed not only power, but arms also, exclusively. To that party arms had been given, which never would be laid down but with their power; and, indeed, it was only last session, he believed, that one of their petitions from Londonderry honestly set forth, that having won their rights at the era of the glorious revolution, by the victories which their ancestors had gained under king William, they could not be expected to surrender the arms with which those rights had been won. Having never before spoken upon the subject, the House would pardon him for trespassing upon their attention. It was his opinion, that Englishmen could not too often enter into the discussion of Irish affairs. They should consider Ireland as an integral part of their country, and watch with common solicitude over her interests and her rights. He hoped the right hon. gentleman would not persist in objecting to the motion; if he did, undoubtedly it would be renewed; the House must have the returns. He hoped that that part of the government who professed more liberal views towards Ireland would act a candid and manly part, and would not resist the production of returns which would place in a striking point of view, the effects of that deplorable system of misrule which had been so long upheld. To expose that system would be to insure its downfal. Was it to be endured, that the people of Ireland should be for ever treated with insult and injustice?—If such a system were persevered in, could they expect the friendship of Ireland? He did not say that they would not receive it, but of this he was sure, that they would not deserve it. He hoped the right hon. gentleman would re-consider the grounds of his objection, and would be guided by the opinion of his more liberal friends.

The *Chancellor of the Exchequer* said, he could see no reason why the motion should be granted, embracing, as it did, a principle which would call upon every man holding a situation in a public office to state what his religion was: he would therefore concur with his right hon. friend in opposing it. He rose principally for the purpose of setting the last speaker right in one point, and to assure him that there did not exist in his majesty's government any disposition to exclude the Roman Catholics from their fair proportion of patronage in the offices to which they were by law eligible. He would mention two instances in which Roman Catholics had been appointed to situations: one of them, Mr. Troy, to that of inspector of customs at Liverpool; and the other, Mr. Mahon, to the office of commissioner of stamps; and he believed that the noble lord at the head of the Treasury did not know whether they were Catholics or not. This of itself would show that there was no disposition to exclude Roman Catholics from office by any previous inquiry as to their religion.

Mr. *Hume* said, that the instances stated by the right hon. gentleman were only exceptions to the general rule. He was glad the right hon. gentleman had stated the fact, because it went to shew that appointments made by the Treasury here were more likely to be regulated by a fairer standard than appointments made in Ireland. What he wished was, to have power taken out of the hands of that faction in Ireland, who were always ready to abuse it. On a former occasion he had stated in that House, that few, if any, Catholics were appointed to offices of emolument in Ireland. The right hon. secretary for Ireland had said, he was wrong; but it now turned out, that the right hon. gentleman knew nothing at all about the matter. His charge was, that the people of Ireland were irritated and offended, because the few were preferred, and the many were neglected. He would ask whether the opposition that was given to the motion, was not likely to confirm the suspicions which already existed? The right hon. gentleman had talked of inquisitorial power. Was it inquisitorial, to ask a question which would be answered voluntarily and with pleasure? He could have wished that the conscience of the right hon. gentleman had been equally tender, with respect to the various acts of oppression which he (as the organ of government, had carried into effect in Ireland—a country which suffered under more than Turkish degradation. [Hear!]. Yes, it was his firm opinion, that the Greeks were not so much oppressed—so keenly insulted—as were the miserable people of Ireland. The state of Ireland was one which demanded inquiry, and with a view to that inquiry, information was sought. Upon what ground of justice could it be refused? Did the right hon. gentleman and his friends think that refusal could fail of exciting disgust and irritation? If the demand of his hon. friend was unreasonable, he would not have supported him. That part of the ministers who entertained liberal views towards Ireland, had commenced a new and promising era: he hoped they would persevere in it, and that their liberality and good sense would induce them not to refuse hearsay information as to the state of that country. He could assure them, that if the motion were resisted, it would not be the last time it would be brought forward.

Mr. *Agar Ellis* thought the motion ought to be acceded to by the secretary for Ireland, if it were only for his own satisfaction; for as he did not seem to know the proportion in which the offices were divided between Protestants and Roman Catholics, he ought not to refuse that which would give him correct information on the subject. It ought not to be suffered to go forth to the Roman Catholics of Ireland, that no motion tending to give them the same advantage as their Protestant fellow-subjects, in situations to which they were alike eligible, could obtain the sanction of that House.

Mr. Secretary *Peel* said, it was unfortunate for the inference drawn by the hon. member for Aberdeen, that the two Roman Catholic appointments spoken of were not originally made by the English government. They were originally made by the Irish government, and in the late arrangements by the Treasury, they were continued. So that it was unfair to infer, that these were exceptions to the general rule of the Irish government. With respect to the motion before the House, he would say, that if the object was, to show that the Roman Catholics had not their fair share of patronage, the present mode was a bad one. Let the object be fairly stated; let it be shown, if it could be shown, that Roman Catholics, being in other respects equally eligible in point of qualification were excluded solely, because they were Roman Catholics, and let the *onus* of answering such a case rest with the government. But, he could not think of endeavouring to come at such an object, by adopting a principle which would say to every man in a public office, "Are you a Roman Catholic, or are you a Protestant?" But, suppose it could be shown that the greater portion of the appointments to public offices took place in favour of Protestants; still, seeing that the great mass of property—he would not say all—was in the hands of Protestants, he could not see anything unfair in it; unless it could be shown, that Roman Catholics with superior, or even equal, qualifications, were refused to make way for Protestants. If such a case could be made out, let it be fairly brought forward; but no tangible object could be gained by bringing forward the question in its present shape. An allusion had been made to the Linen Board. There were 74 members of that Board; it might so happen that they were all Protestants; but then it should be recollected, that the Linen trade was almost entirely confined to the north, which was the Protestant part of Ireland; a fact which would go pretty clearly to explain what had been stated with respect to that Board. But the return which the hon. gentleman had moved, even if granted, would be insufficient; for it ought in fairness to state, not whether Protestants were appointed to offices, but whether Protestants had been unfairly selected, and in what instances Protestants were preferred to Catholics of superior qualifications. He was surprised that the hon. gentleman had not carried his motion further, in order to ascertain the particular faith of various occupations and professions. For instance, he might wish to know of what religion were the ironmongers in Ireland, and whether the majority of the barbers were Protestant or Catholic. There was, in fact, no end to the inquiry, if it were once commenced.

Sir *J. Newport* said, he could very easily imagine the object of those who maintained the fitness of exclusion, and thereby kept Ireland a divided people, in resisting this motion. They wished to hoodwink the natives of England, by making them believe that the question was of small importance, because it only applied to the offices included in the act of 1793. As long as the odious distinction was preserved, the act of 1793 would be inadequate; and it was very important to show that at this moment, with very few exceptions, the Roman Catholics were not in possession of any of the advantages then conceded. The right hon. gentleman who spoke last, had taken great credit for the appointment of two Roman Catholics; but, under what administration had those offices been filled up? This was a very material inquiry, when so much stress was laid upon the matter. The truth was, that both Mr. Troy and Mr. D. Mahon had been selected by the government of 1806 [Hear, hear! from the Opposition benches, and "no, no," from the Ministerial]. He maintained it as a fact: he had good reason to know it, and was prepared, if necessary, to prove it. But, giving to the present ministry whatever credit was due for this proceeding, at all events, it filled up but two appointments with Catholics, while all the rest were indisputably Protestants. It only showed the distress of the present government, when they were obliged to resort to these two instances; with which, however, in truth, they had had nothing to do. The object of the hon. mover was, to prove how fallacious was the statement of the noble earl, at the head of the cabinet, when he declared, that he anxiously desired to see Roman Catholics participate in all the benefits of the constitution, to which, by the existing law, they were entitled. This assertion ought to be put in comparison with the fact; and that purpose would be accomplished, if the documents now required were laid upon the table. It might be very true, that the trustees of the linen board were needless; it might be very true, that no talent was wanted to render a man fit for the situation; yet those individuals possessed an honorary rank in the country, and enjoyed, besides, great influence and patronage. As to property, were not such men as lord Fingal, and sir E. Bellew, fit to be appointed trustees of the Linen board? The Roman Catholics of Ireland had watched the progress of the late lord Avonmore; they had seen him, by birth only the son of a woolcomber, rise to be Chief Baron of the Exchequer, and a peer of the realm. Why should they not enjoy the same opportunity of advancement? Why were they not allowed the opportunity of distinguishing themselves, and of illustrating their names and families? At present, insult only was heaped upon them: they were excluded from their rights; and, what was still more grievous, they were told that they ought to be contented and happy in their degradation. It was impossible that the people of Ireland should not be acutely sensible of all they endured, and take no interest in the prosperity of that state, whose wants they were compelled to supply, but whose benefits they were not permitted to share.

Mr. Secretary *Canning* said, that the latter part of the right hon. baronet's speech had turned upon topics, in some of which he felt with him, though he did not think the present moment exactly suited to their discussion. The last topic, as it went to show the interest which the humblest individual might feel in the question of eligibility to the highest office, and that therefore the hope of such office should not be shut out from any, was one which addressed itself to the feelings of all, and the principle of which he had often exhausted himself in upholding. But, the subject of discussion was not now, whether new privileges should be granted—whether all the offices of the state, from the highest to the lowest, should be open to Roman Catholics? On that point he perfectly agreed with the right hon. baronet. What he had always sought on behalf of the Roman Catholics had been eligibility; but, the motion now under consideration went to actual election. What he had so long contended for was, that there should be no bar between the Crown and its subjects—that there should exist no religious disqualifications; but he had never conceived that the effect of accomplishing that object would be to point the attention of the Crown to one class only, and to make it a crime in the administrators under the Crown to distribute office fairly and impartially. The advocates for the Catholic claims asserted, as a general principle, that all the king's subjects were equally eligible, but that statutes had supervened, limiting unjustly the power of the Crown to reward meritorious services. The object, therefore, was, to remove those disqualifying statutes; and as the hon. member for Westminster had said, in reference to a passage of great beauty, to enable the rays of the royal bounty to shine equally upon all. It was singular, therefore, that the right hon. baronet did not see that the mode of inquisition he wished now to be set on foot was directly contrary to the principle on which the Catholic question had been promoted, and to the usual policy of parliament on all subjects of the same nature. By the law of the land, certain persons, not Roman Catholics, could not be employed in offices of the state. What was the remedy? An annual indemnity bill. But, did the House ever think of instituting an inquiry to ascertain who were benefitted by that indemnity? Was not the true policy of parliament not detection, but concealment? The same policy had been adopted with regard to the Catholic question. The endeavour had been, not to make a distinction, but, as far as possible, to confound it, and to unite all under one denomination. Far, indeed, were the friends of concession from wishing that any man should be required to declare whether he was a Catholic or a Protestant. What, then, was the motion intended to do, but to put this very question? and to such a question, he would, under no circumstances, consent; since, though innocent in the outset, it might hereafter be applied to purposes of the worst description. Let the House consider how the matter stood a few years ago. Until 1819, no Roman Catholic could attain certain rank in his majesty's army; and many a pathetic appeal before that date had been made to the House on the bitter proscription to which so many millions were subjected. Supposing a motion of this sort had been then made, what would have been its effect? If carried, it would have subjected to punishment many Roman Catholics who had hitherto served in the army, by connivance. Thus the application now made was contrary to the policy of indemnity; contrary to the whole policy of toleration; and founded on a radical misapprehension of the state of the laws regarding the Roman Catholics. Laws had been superinduced to control royal benevolence—laws which he wished and had laboured to remove *in toto*: but whether they were removed entirely, or only in part, his wish had been, and ever would be, that all parties should be united, instead of perpetuating the memory of offensive distinctions.—He objected to the present motion on another ground. As long as this kingdom was a monarchy, and the executive government had the distribution of offices under the Crown, it was not discreet in the House to inquire into the exercise of patronage, unless crime or fault were imputed [Hear, from the Opposition]. He ununderstood that cheer; and he undoubtedly agreed, that it might be morally wrong for a government not to employ men of a particular religious sect. But here a distinction was to be taken; and he maintained that such was not the sort of moral wrong which ought to be investigated by this parliamentary inquisition. If the practice of naming Protestants only existed, it might be founded upon error and prejudice; but that error and that prejudice could not be corrected and removed by the proceedings of the House; but should be left to the slow and sure operation of time. He did verily and entirely believe, that, in the present Irish government, there existed a strong disposition to admit to a fair share of patronage, and to the service of the state, all who were qualified: aye, a disposition quite as strong and as genuine as, during that boasted administration to which the right hon. baronet had so often triumphantly referred, and which he naturally enough thought was the best, the most enlightened, and the most liberal that had ever blest the nation with its counsels. To institute an inquisitorial proceeding like that now recommended, was not calculated to inspire either respect or confidence. The two offices filled by Catholics had not been brought forward with any other object than to contradict the position on the other side; and if, on the part of the present authorities in Ireland, there was a desire to admit Catholics, as well as Protestants, to places of honour or emolument, it was very certain that it was not likely to be increased by motions of this kind, which could only augment differences where they existed, and create them where they did not. In the conscientious belief, that if this proposition were carried, it would be a firebrand thrown among those, at present too ready for conflagration; he should give it his determined opposition.

Mr. *Hutchinson* said, that during the present session, endeavours had been made to shew, by details, that Ireland had been badly governed, and that the Roman Catholics were a persecuted race. Its warmest friends might, perhaps, at this moment, despair of success in bringing forward the general discussion; they might despair of inducing ministers to alleviate the miseries of Ireland, by promoting conciliation; and therefore were resolved, as far as was possible, that the House and the country should be in possession of all the information connected with the subject. For this purpose various motions had been and would hereafter be made, to shew, that the benefits intended by the law, were withheld by the practice of the government. If the present ministers did not determine to overcome their prejudices, and to give to persecuted millions their due weight in the constitution, the storm would at last inevitably burst and overwhelm valued institutions in the ruin it would occasion. The infatuated people of Ireland would, in time, see their interests: they would unite, and compel the minister to be just to their claims, or they would separate themselves entirely from Great Britain. He yet hoped to see the wounds of Ireland healed by concession; for despair of redress and protection might at length drive the people to dangerous extremities.

Mr. *Grattan* said, that he had not brought forward his motion with more ceremony, because he really thought that, as it was only the consequence of papers already moved for by a noble lord (Althorp), it would not be resisted. He should divide the House, and not content himself with receiving merely a ministerial negative.

The House divided: Ayes 11, Noes 38.

List of the Minority.

Browne, Dom.
Cavendish, lord H. F. C.
Ellis, G. A.
Hamilton, lord A.
Hobhouse, J. C.
Hutchinson, hon. C. H.
Hume, J.
Lamb, hon. G.
Monck, J. B.
Newport, sir J.
Wood, M.

TELLERS.

Althorp, viscount.
Grattan, J.

HOUSE OF LORDS.

Friday, February 20.

Game Laws.] Lord *Suffield*, not having been in the House yesterday when a noble earl called their lordships' attention to the Game Laws, wished now to say a few words on that subject. When the question as to altering the laws had formerly been agitated, it was alleged, that sufficient evidence for forming an opinion did not exist. He wished, therefore, to remind their lordships, that they had before them the report made to the House of Commons last session. That report had also been ordered to be printed for the use of their lordships' House, and was accessible to them. However, when the bill for altering the game laws might come, as he expected it would, it was possible that some noble lord might even then insist that the evidence was not sufficient. In that case it would be but candid in any noble lord who might entertain such an opinion, to move for the appointment of a committee to hear further evidence. This would be the proper course for those to take who were not yet satisfied on the subject; but, if no proposition for the appointment of a committee should be brought forward, it would be most unfair, in the progress of the bill, to raise any objection on the ground of want of evidence. He agreed in opinion with the noble earl who addressed their lordships yesterday, that the legalizing of the sale of game would not diminish it; but, so enormous were the evils produced by the present system, that he would give his support to the proposed alteration, though its effect were to be to sweep every head of game from the face of the earth.

HOUSE OF COMMONS.

Friday, February 20.

Wool Tax—Petition for Repeal of.] Mr. *T. Wilson,* in rising to present a petition against the Wool Tax, said, he regretted that he was obliged to occupy the time of the House on such subjects; but, while such impolitic and oppressive taxes remained, the House would of necessity be continually besieged with petitions against it. The duty of 6*d.* a pound on foreign wool was one that could be only justified by the most pressing necessity, when every other object of taxation was exhausted. At the present moment, when the woollen manufactures of this kingdom had to come into competition in foreign markets with foreigners, who were subject to no such tax, and when the finances of the country could bear the loss of so inconsiderable a branch of revenue, the tax was utterly indefensible. The petition was from the merchants and factors of the city of London.

Mr. *Robertson* observed, that the prosperity of the agricultural interest followed that of the commercial interest, and that unless every facility was given to the commerce of the country, the landed proprietors, though their situation was undoubtedly much more prosperous now than it had lately been, would soon be plunged into greater difficulties than they had yet experienced. If the growth of wool were, in any given year, one-tenth greater than that of an average crop, the price would fall 30 per cent., and if it exceeded an average crop by one-fifth, the price would fall 60 per cent. Formerly, large quantities of this commodity were exported, but now the grower could not export unless the price of his produce sunk to 25s. or 30s. It was as much for the advantage of the agricultural as for that of the commercial interest, that this tax should be repealed. Wools at from 1*s.* 6*d.* to 2*s.* 6*d.* were formerly imported from the different countries of Europe, to the great advantage of the manufacturer of coarse cloth, which was the article of most general consumption. The existing duty on the importation of these wools almost amounted to a prohibition. Compare the price of labour on the continent with the price of labour in this country; add to that difference the amount of duty on importation, and we should then see the impolicy of this tax. At Aix-la-Chapelle, the price of labour was from 10*s.* to 12*s.*; in Silesia, it was 9*s.*: in Yorkshire, it was 16*s.* When to this difference in the price of labour was added the duty on importation of 20 to 25 per cent, he would ask, whether it was possible for the manufacturers of this country to compete with the manufacturers of the continent? It was morally impossible; and, in point of fact, this country had lost the greater part of the continental trade. Since the year 1822 the amount of our exportations in the article of wool had decreased upwards of one fourth. Our coarse cloths were, in fact, prohibited in consequence of this tax in Italy, where nothing but coarse wool was now grown. Germany supplied Egypt and Turkey with coarse cloths, which she shipped at Trieste and Leghorn, and had completely driven us from the market. He begged to call the attention of the House to the state of America, in order to show the expediency of taking off the duty on the importation of the raw material. The population of the United States, before they were declared independent, amounted to two millions and a half; at the present day, it amounted to ten millions. The population of the settlements of South America might be taken, at a low estimate, at seventeen millions; and if it went on increasing in the same ratio as that of the United States, might be expected to amount to 60 millions in forty years. Here was an immense mart for our low-priced cloths, of which this country might avail itself, if the impolitic duties on the importation of the raw material were repealed. It was more especially incumbent on the landed interest to encourage the commerce of the country, on the prosperity of which depended their only real prospect of relief. The great mass of the population of South America of course consumed low-priced cloths; it was of the utmost importance, therefore, that a tax should be taken off which excluded our manufactures from a consumption which would be almost unlimited in its amount. Not only the states of South America, but our own possessions in Asia, comprehending a population of a hundred millions, would afford a market for our manufactures, for which we might obtain the raw produce in return. With respect to long wool, his own opinion was, that it would be desirable to keep it in this country, allowing the short to be exported; but, if the short wool were not allowed to be exported without taking off the duty on long wool, he should be ready to agree to the exportation of both those articles. He conjured the ministers, as they valued the staple trade of the country, to take off this tax, or else to be prepared for the rest of the world combining together for its utter destruction.

Mr. Alderman *Thompson* deprecated the impolicy of imposing high duties on low-priced commodities. He concurred in the observations which had fallen from the hon. member, and thought the same arguments applicable to the duty on raw silk. He hoped the chancellor of the Exchequer would place that article on the same footing in which it was placed in France, by taking off the duty on importation.

Mr. Alderman *Wood* observed, that unless the chancellor of the Exchequer consented to the repeal of the duty on the importation of wool, the manufacturers in this country had come to the resolution of employing agents on the continent to wash the wool, in order to effect a reduction of the duties. The right hon. gentleman would greatly mistake the true interests of the country, if he suffered this tax to continue a year longer.

Sir *J. Wrottesley* called the attention of the House to the circumstances under which this tax had been imposed. They would all recollect, that, in the year 1819, when the country was in a state of profound peace, and also in daily expectation of a considerable remission of taxation, three million of new taxes were unexpectedly imposed upon it. Of this sum, part was raised by the imposition of a duty of 1*s.* 6*d.* a bushel on malt; and, as that tax was found detrimental to the agriculturists, it was thought proper to give them as a counterpoise to it, a protecting duty against the importation of foreign wool. Now, a considerable portion of the malt duty had already been taken off; and if the hon. member for the city would assist him in taking off the remaining sixpence, he would in his turn assist the hon. member to get rid of this tax on wool.

Ordered to lie on the table.

Coal Duties—Petitions against.] Mr. *H. Sumner* presented a petition against the Coal Duties, from Bermondsey. He expressed his concurrence in the prayer of the Petitioners, and trusted that the chancellor of the Exchequer would take the subject into his serious consideration.

Mr. *W. Courtenay* presented a similar petition from Exeter. He observed, that the inhabitants of that city had always shewn themselves most ready to bear the necessary burthens which were imposed on them, but they felt most strongly on the subject of this tax. The great hardship of this tax was, that it pressed with increased severity on those who were already exposed to the greatest difficulties from their local position.

Mr. *W. Smith* presented a similar petition from Norwich. The inhabitants of that city did not deny that they were in a state of great prosperity. The population of that city had increased from 30,000 to 50,000, within the last twenty years; but they felt the harshness of a tax, which had been justly the subject of complaint throughout the whole kingdom.

Sir *T. Acland* presented several petitions to the same effect, from various towns in Devonshire. The petitioners complained of the tax as unequal, impolitic, and oppressive. As this was the last opportunity he should have of noticing this subject before the chancelior of the Exchequer made his financial statement, he would take the liberty of pressing, most strongly upon the right hon. gentleman, the expediency of taking off, either the whole, or a part of this tax. He concurred in the observation of the hon member for Exeter, that one of the most aggravating circumstances attending this tax was, that it pressed most hardly on those who were already placed in a situation of the greatest difficulty by their internal position. He hoped the right hon. gentleman would at least consent to place the inland and maritime counties on the same footing. The duties on coals sent to a distant part of England amounted to 6*s*., whereas if they were sent to the continent the duties would not amount to more than 3*s*. There was perhaps, no tax of which the repeal would be more extensively beneficial: it would give relief to all the most important branches of the national industry; for not a nail could be driven, nor any manufacture carried on, without the agency of fire. There was another point to which he wished to call the attention of the right hon. gentleman, namely, the expediency of taking off the duty on culm. This measure would afford considerable relief, and he trusted the right hon. gentleman would not object to it.

Ordered to lie on the table.

ARMY ESTIMATES.] The House having resolved itself into a committee of supply,

Lord *Palmerston* rose to submit to the House a statement of the Army Estimates for the present year. He commenced by saying that any gentleman who had looked into these Estimates, must see that there had been an augmentation of our military force, and an attendant increase of charge. In the first place, he should state, that there were six new regiments to be added to the force of last year, besides 200 men to be added to each of the three veteran battalions, making an augmentation of 4,560 men officers included. There would be an attendant increase of charge of 158,000*l*. However, since the estimates had been first made out, he had received more accurate information, and he thought he should be justified in stating, that there would be a deduction of 55,000*l*. from the vote he now proposed, The particulars of this deduction he should state presently, and this would reduce the increase to 103,464*l*. In calling the attention of the committee to this increase, it would naturally be expected that he should give some explanation as to the cause of the proposed augmentation; this he should be able to do in a few words. The augmentation was not proposed on account of any apprehension that the peace of Europe would be disturbed. It was not proposed upon any anticipation that this country would be engaged in any foreign war, nor upon any alarm that its internal tranquillity would be interrupted. The ground upon which the Government felt it their duty to propose this augmentation, and upon which he trusted parliament would be disposed to accede to it, was solely and simply the present condition of our West India Colonies. Having pointed the attention of the Committee to that subject generally, perhaps he should best discharge his own public duty, as well as best consult the convenience of the House by contenting himself with having shewn the general grounds of the increase, and abstaining to enter upon topics, interesting and important in themselves, but of a magnitude sufficient to entitle them to a separate discussion, and not to be introduced as subjects for a collateral consideration, when the Army Estimates happened to be before the House.—Having thus pointed out the general grounds, he thought it right to state, that every regard had been paid to the most economical arrangement of the proposed increase. The Government had determined that every officer of the six new regiments should be taken from the Half-pay List; and not one was to be transferred by promotion from any of the existing regiments. It would be needless for him to say, that this had not been unaccompanied by a considerable sacrifice of feeling, as well on the part of the Government, as on that of the Commander in Chief. It would certainly have afforded them great gratification to have been able to have promoted those officers, who were no less entitled to promotion for their meritorious services during the war, than for their services, perhaps less glorious, but more irksome and just as valuable, in our distant colonies, since the return to peace. But the Government felt themselves compelled to attend to considerations of a financial nature. His majesty's ministers had often been taunted with a desire to extend their patronage, even at the risk of the public service; but, if ever such imputations should be made again, he should content himself with referring to this statement, and upon this fact he should confidently rest the vindication of the Government. The arrangement, then, which he had stated would produce an increase of men to the amount of 3,800, officers included, and an increase of charge of 172,000*l.* Against this was to be set a saving by taking officers from the half-pay list of 18,000*l.* The sum of 139,000*l.* was occasioned by the raising of the new regiments, and the remainder arose from the cost of the return of certain regiments from India, which were charged upon the East India Company, but which must of course be transferred to the estimates of the year. In the staff of the general officers there was an increase of 5,800*l.* arising from the appointment of an additional general officer in Ireland, and from the transfer to that head of what propetry belonged to it, but had been charged upon another department. In the public departments there was an increase of 8,800*l.* In the medical department there was a diminution of 584*l.* In the volunteers there was a very trifling variation from the last year. In the third class of estimates (for he should say nothing now of the troops in the East India Colenies) there was a diminution, as compared with last year, of 29,000*l.* Adding to this the 55,000*l.* which he proposed to abate, there would be a saving on the whole of 84,000*l.* In the Military College there would be a deduction of 165*l.* In the pay of the general officers there was a diminution of 13,600*l.* In the Casualties he contemplated a reduction of 5000*l.* Last year the casualties amounted to 12,000*l.* The Garrisons would remain nearly the same as last year, with a slight difference, perhaps, of 195*l.* The full-pay of retired officers had been reduced 1800*l.*, and he contemplated a still further reduction of 10,000*l.* On the Half-pay and Military allowances there would be a deduction, as compared with last year of 17,000*l.*; on this head he expected to be able to make considerable deductions. In the out-pensioners of Chelsea and Kilmainham there was a decrease of 5,000*l.*; the reason of this deduction being so small was, that many had been lately thrown on the list; the In-door pensioners were nearly the same as last year. In the Military asylum there was a decrease of 2,200*l.* On the Widows' pensions there was an increase of 3,600*l.*; this was occasioned by the number of fresh cases. The House was aware that the widows of officers on half-pay were entitled to pensions, as well as those on full-pay. There was an increase on the compassionate list of 6,500*l.* In the superannuation allowances there was an increase of 3,683*l.*, partly arising from the transferring to this list other classes of the estimates. The Exchequer fees remained the same as last year. In the veteran battalions there was an increase of 19,000*l.* and 363 men. The total balance would then stand thus—there was an increase of 4,560 men, and an increase of charge of 158,000*l.* Deduct from this the sum of 55,000*l.* to which he had alluded, and there would remain a balance of 103,000*l.* He was intitled to take credit for the sum of 60,000*l.* paid for the troops of the service in India. According to the act, that must be paid into the Exchequer, and must of course be taken into account by the chancellor of the Exchequer in the ways and means, and could not therefore be included in the estimates. Deduct, then, from the 103,000*l.* the sum of 60,000*l.* and the total increase of expense would amount to 43,000*l.* and the increase of men 4,560. He should now move, "That a number of land forces not exceeding 73,346 men, and also 3,354 men for service in the royal veteran battalions in Ireland (exclusive of the men belonging to the regiments employed in the territorial possessions of the East India Company); commissioned and non-commissioned officers included, be maintained for the service of the United Kingdom of Great Britain and Ireland, from the 25th of December 1823 to the 24th of December 1824, both days inclusive, being 366 days."

Mr. *Hume* said, if the House were to be influenced by the speech of the noble lord, they would suppose that his motion was to be granted as a matter of course. It appeared to him, that the reasons assigned by the noble lord for the proposed increase, were any thing but satisfactory. The noble lord seemed to think, that because in the course of the last year, the House of Commons on account of the then disturbed appearance of Europe, had waived opposition to the votes, that they admitted the necessity of maintaining 69,000 men; which was the force of last year. Two years ago, when the House addressed his majesty, on the subject of reducing the establishments to the lowest possible state, the government said then, as they said now, that it was impossible to make any further reductions. However they did, in the course of the following recess, make arrangements for reducing 10 or 12,000 men. Last year ministers were allowed to pass their own votes, because no one could say how soon the peace of this country might be disturbed by the aggression of France upon Spain. But, under what different circumstances do the House now meet the statement of the noble lord! The very grounds which he had adduced for the increase were the strongest reasons why the House should oppose him. But let them consider, that on an average of ten years after the American war our army did not amount to more than 33,000 men, whereas now we were called upon to vote 73,000. When we considered that in addition to this, we had 19,000 men in the artillery, veterans and marines, and that there were 77,000 militia enrolled for both countries, and a yeomanry amounting to 74,000, and supported at an expense of 150,000*l.* yearly; when we had a right to consider the country in the most promising state of tranquillity; when we had the secretary of state for foreign affairs again repeating to us the most cheering prospects of peace and declaring that although there were certain elements of strife abroad which might by possibility, affect Europe, yet he apprehended no hostility to this country;—when he considered all these things, he could not consent to the proposed vote. The prospect of disturbance abroad might be a very good reason for increasing our navy; but none whatever for augmenting our military establishments. According to the proposed vote, we were to have no less than 233,000 men ready to be armed for any emergency. He should wish to call the attention of the House to the speech from the throne at the opening of the session. In that speech his majesty declared "That at no former period has there prevailed throughout all classes of the community in this island, a more cheerful spirit of order, or a more just sense of the advantages, which, under the blessings of Providence, they enjoy." Now, the natural consequence of plenty, he should have supposed, would be, to make men satisfied; but let the House only look to Ireland, and see what was its condition. Let ministers say what they pleased, sure he was that force would never produce tranquillity in that country. Ministers had neglected the only means in their power to conciliate that country; but instead of conciliating, or restoring peace in Ireland, additional force would only exasperate the people. He had once applied the term "disaffected" to the people of that country; but he now thought there never was a term more misapplied. They were attached to their king and their country, and would be subordinate and obedient to the laws, if they enjoyed their equal protection; and he was quite persuaded, that if the House furnished his majesty's ministers with additional force, they would neglect the only effectual means by which tranquillity could be preserved in Ireland. and that they never would adopt those sound measures by which they could alone promote the prosperity of Ireland. In another part of his speech, his majesty declared that "he continued to receive from all foreign princes assurances of their desire to maintain and cultivate the relations of friendship with his majesty." Then, if we were perfectly free from any alarm from foreign states, or a disturbance of our domestic tranquillity, he thought that 3,000 men might very easily be sent to the colonies out of the 60, or 65,000 men which we kept up last year, and that without any increase, they could easily find sufficient force for that purpose. It behoved the government to put an end to the ferment and alarm which had been created in the colonies. The first measure to tranquillize the colonies would be, for the ministers to speak out and declare what their intentions were. Let it not be left to them to suppose what was to be done. They should at once say—"We intend to emancipate the slaves;" or "We do not." Suspense was the worst state in which they could be left; because they would then be subject to the intrigues of designing men, for he was told there were such persons amongst them; the best way would be, at once to make their declaration, and not to subject to perpetual danger the lives and properties of the white population. Therefore, instead of increasing the army let the ministers make up their minds as to what they would do. They could preserve tranquillity without the addition of a single man. There was not the least fear of disturbance, unless the disturbance was made by ministers themselves. In the course of last year no man contemplated an increase of our establishments, unless the country went to war. On the ministerial side of the House, he believed, they never thought on the subject at all; but he knew that, amongst members of the Opposition, it was then a great question, whether a proposition should be made to reduce the then establishment from 5,000 to 10,000 men? But now we had a regular standing army of 73,000 men, 19,000 Veterans and Marines, and 100 and odd thousand men ready for any emergency that might arise. He was one of those who thought that no British army should ever again be allowed to land on the continent of Europe. We had already seen the folly of endeavouring to make ourselves a military power. It would be much better for us to consult our maritime superiority; and we should rather endeavour to come back to the situation in which we once were. Let the House look to the great advantages which, at this moment, when the country's industry was reviving, a further deduction of one or two millions in the expense of its establishments would give. Under the constitution, our system was radically a civil government; it was never intended to be a military one: but now, so extensive was our army, that there was scarcely a family in the country that had not one or more of its members in the service so that we might truly say the ancient habits and character of the country were changed—those habits, and that character which had produced somuch prosperity and imparted such strength and glory. The noble lord had dwelt upon the state of the colonies; but yet neither he nor his friends near him had condescended to tell either that House, the country, or the colonists, what was to be done.—By the bye, he could not allow himself to proceed further without adverting to the very loose manner in which these estimates were prepared. They had been before the House scarcely eight-and forty hours, and the noble lord had admitted that within that time he himself had discovered various errors amounting to 55,000*l.* There was an error under one head of 5,000*l.* another of 10,000*l.*, and so on. Really, he did think that the noble lord was bound to take more care in submitting estimates for the deliberate consideration of parliament. There could be no excuse for such a loose manner of laying public accounts before the country. They were made up only to December last; and he could not understand what could have since occurred to produce so great an alteration. It shewed the necessity of that House directing their attention to the subject; and he must say, that great benefit had already followed the increased vigilance which for the last few years had been given to these subjects.—The noble lord had taken considerable credit for the reductions that had been effected. But, what were they? Why, the truth was, that our establishments were in this year of peace abroad, content at home, general satisfaction every where, as large as in the year 1817, when the whole of Europe was in a state of turmoil, and the elements of a protracted warfare had not yet subsided into a calm. In this year, when the speech from the throne had given such assurances of universal satisfaction, the country was called upon to add to the military expenditure a sum of 43,000*l.* Was that House prepared to say, that after so many years of continued tranquillity, and with such assurances, it was ready to accede to a peace establishment of between fourteen and fifteen million, of which the military expenditure was 8,400,000*l.*? There was no man more anxious than he was for the peace and prosperity of the West India colonies; but he was not willing, under the pretext of their situation, to load England with a large increased expense. The amount of force for Great Britain was stated at 22,019 men, for distribution abroad 30,793 and for Ireland 20,229. Were not the yeomanry and militia forces fully sufficient to allow a reduction of the home force? If there was a real necessity to increase the force in the West-Indies, and men were to be sent out, how came it that the noble lord did not propose a reduction of the cavalry and guards, which description of force was not applicable to the West-India service, and by so doing meet the expense of the new levies by such diminution? If the present increase of force was intended to be permanent, better have done with the West Indies altogether; better leave the planter to provide as he could for his own interests, than entail upon Great Britain a great expense, while the very necessity of employing such a force must ruin the colonists. The whole West-India property must cease to be valuable under such circumstances—the credit of the proprietors must be extinguished, if these islands were to continue in the present state of fermentation. His majesty's ministers, if they would be explicit, need not such a force for such a purpose. Let them candidly come forward and state their actual intentions. By acting thus, they would, he was persuaded, put an end to the prevailing irritation, and pacify all parties. It was his sincere impression, that he should best discharge his duty by calling for the reduction of the standing army, and not an increase of it. The House would recollect what the finance committee had said upon this subject. He would beg to read an extract from their report on our military establishments:

"Your committee have proceeded to investigate the principal establishments of the country, beginning with the army. In this department, the first object that presents itself is the numerical amount of force.

"Your committee are deeply sensible of the extreme difficulty of ascertaining the precise point at which our military establishments should be fixed, on account of political considerations, and others of a still more delicate nature, which must necessarily involve themselves in the question. In taking into consideration the peace establishments of the country, it must be remembered, that if on the one hand they are proposed to be kept in a state of complete preparation, with a view of affording entire security to the nation both at home and abroad, the continued expense must bear so heavily upon the resources of the country, as to preclude all hope of relief from the burthens of taxation and the load of debt incurred during a long series of protracted hostilities; on the other hand, if they should be reduced too low, the temporary gain in point of economy might be more than counterbalanced by the hazardous situation in which this kingdom, together with its numerous and distant dependencies, might eventually be placed upon the breaking out of an unforeseen or sudden war; for which such a state of deficient military preparation might possibly offer no small temptation.

"It is rather therefore for the executive government, acting on their responsibility, to propose, and for the wisdom of the House to judge, of a matter of this high importance, than for your committee to offer an opinion; but they observe in the mean time with satisfaction, that upon a comparison between the estimates of the two last years, and those for the present year, much will appear to have been effected in the way of reduction, both as to numbers and as to expense; and they entertain a confident hope, that such further reductions will continue to be made, as may be found consistent with all the true interests of the country, neither erring on the side of absolute confidence on the long duration of peace, nor giving way to unwarrantable apprehensions of danger and aggression.

"Your committee, in making a reference to the year 1792, desire to call the notice of the House to the low establishments of the latter part of that year, which were deemed sufficient for all national purposes at that time, in the contemplation of a long continuance of peace; and although many circumstances are materially changed by events which have subsequently taken place, so as to prevent any exact parallel from being drawn between the two cases, especially in the amount of pecuniary charge, yet they submit that as near an approximation to that low scale of establishment and expense as may be found consistent with our more extended possessions, and with the augmented rates of various fixed disbursements, would be highly advantageous in relieving the burthens, and in supporting the public credit of the country."

That Report, it was evident, recommended a recurrence, as speedily as possible, to the establishment of 1792. In what way had the recommendation of a committee of that House been acted upon. It had been acted upon by having at that moment a standing army, more numerous by 40,000 men than the establishment of 1792. That establishment in 1792 did not exceed 33,000 men; our military peace establishment in 1824, amounted to 73,000 men, exclusive of cavalry, veteran battalions, militia, and volunteers likely to be called out on any emergency. But, the committee would see, that if the exigency of the public service required the increase of force in the West Indies, that object could have been fully answered without having recourse to the expedient of raising new regiments. Since 1792, it should also be recollected, the pay of the army had been doubled; so that now the addition of any given number of men was made at double the expense of the former period. "No;" said the noble lord. "The calculation is wrong. Two and two do not make four in the army estimates, because the increase in the numerical force of each regiment, as now constituted, is met by the diminution of expense which was occasioned by the staff of the smaller regiments." Upon that very shewing, then, why did not the noble lord, in place of raising new regiments, with their expensive staffs, add so many men to each company of the existing regiments, whereby an increase, if necessary at all, would be given at a very trifling expense? Some sessions ago, he (Mr. H.) had proposed the reduction of fifteen regiments, and, if men were wanting, had shewn, that by the addition of fifty men to each regiment, or six or seven to each company, the same amount of force would be obtained. The House did not at the time agree with him; but he was not the less satisfied of its correctness and propriety. The noble lord had now called upon parliament to sanction the raising of six new regiments. Such a proposition he must consider, under the circumstances, as most improvident, extravagant and absurd. He had no doubt they would be given to meritorious officers to command. But his complaint was, that, in the present posture of public affairs both at home and abroad, they should be given to any persons at all. It was with astonishment he had heard the noble lord take such credit to himself for a reduction of such a sum as 140*l.* under the head of the Military College. He believed the noble lord was strict enough in some particulars; but his vigilance did not, he thought, go through the whole of the department. He was active enough in taking a review of arrears of years standing, something like the scrutinizing demands made for arrears of legacy duties, but the whole amount of which would stand as nothing when compared with the expense about to be incurred by the proposed increase of his new regiments. Some check was undoubtedly requisite with respect to the granting of pensions. It did seem as if the whole power rested in the noble lord. It was with him to grant or to withhold. It was true, there was some other supposed concurring body; but, like the House of Keys, as was shewn in the recent debate on the jurisdiction in the Isle of Man, its services were dispensed with. The pension list had been very materially increased, and it required the most vigilant circumspection to check its progress. Under all these considerations, he felt it his duty to move an amendment on the resolution proposed by the noble lord. He was aware that it was usual, when the House was in a committee to propose as an amendment, either a specific reduction of the number of men or of the amount of money; and therefore it was, that, on the point of form, he felt some difficulty in ascertaining the proper mode of submitting an amendment, which embraced a general opposition to the proposed increase. He should, however, move as an amendment—

"That as his majesty was graciously pleased, in his speech from the throne to inform the House, that, 'at no former period, has there prevailed, throughout all classes of the community in this island, a more cheerful spirit of order, or a more just sense of the advantages which, under the blessing of providence, they enjoy: In Ireland, which has for some time past been the subject of his majesty's particular solicitude, there are many indications of amendment, and his majesty relies upon your continued endeavours to secure the welfare and happiness of that part of the united kingdom: his majesty has commanded us further to inform you, that he has every reason to believe that the progress of our internal prosperity and improvement will not be disturbed by any interruption of tranquillity abroad. His majesty continues to receive from the powers, his allies, and generally from all princes and states, assurances of their earnest desire to maintain and cultivate the relations of friendship with his majesty.'—This committee cannot, therefore, agree to any increase of the number of the army since last year, but are of opinion, that a standing army of 63,000 regulars, exclusive of 19,000 of artillery, veterans, and marines, now embodied, and a large force of militia and volunteers ready on any emergency to be embodied, are sufficient, under all the circumstances of the country, to be kept up."

Mr. *Brogden*, the chairman of the committee, thought, that unless a specific motion, either for a reduction of expense or of force was made, the hon. member should reserve his general proposition to be made in the House.

Mr. *Hume* was aware of the difficulty, but to obviate it he should move, that after the word "That," in the original resolution, all the succeeding words should be omitted, and his amendment substituted.

Mr. *Gordon* expressed his anxiety to offer a few observations, in answer to what had fallen from the noble lord relative to the West-India islands. He could not say that he was one of the great body of proprietors connected with those colonies who were so much the object of indiscriminate abuse, both within and without the walls of that House, but he was to a degree interested in that important question, as he possessed some property in them. It appeared, however, that a considerable number of troops had been already sent to the West Indies by his majesty's government, in anticipation of the vote of the present evening; a number, he believed, amounting to about 2,500 men. The noble lord had treated the question, respecting the West Indies, with great prudence. He wished the hon. member for Aberdeen had followed the noble lord's example. On the contrary, that hon. gentleman had endeavoured to introduce a debate on a subject, on which, as by a general understanding, all other members had abstained from touching. He totally differed from the hon. member, in wishing that his majesty's ministers would speak out on the subject. He wished them not to speak at all; and he trusted that in the end the peace and tranquillity of the colonies in the West Indies would be securely established. But there were other reasons, besides those connected with the West Indies, which would induce him to assent to the proposed augmentation of the military force of the country. The hon. member for Aberdeen, had declared that there was every reason for believing that the tranquillity of Europe would long remain undisturbed. On that point he entirely differed from the hon. gentleman. The same reasons existed at the present moment that existed last year, for entertaining some apprehensions on that score. The hon. member was of opinion last year, that the circumstances in which Greece was placed involved the probability of a disturbance of the peace of Europe. Were not those circumstances the same now as then? Although the French army had put down the Spanish constitution, the condition of Spain was as threatening as it was last year, and that of her transatlantic possessions more so. On these grounds, it could scarcely be necessary for him to say, that he could not vote for the amendment.

Sir *W. De Crespigny* recommended moderation, on the subject of the West-India colonies.

General *Gascoyne* warmly opposed the amendment. Considering the increase which this country had made of colonial territory, he had long been satisfied that our army had been too much reduced; and he believed that his majesty's government were now as thoroughly convinced of that fact as he was. One of the evil consequences attendant on this excessive reduction was, that it was impossible to relieve our brave regiments abroad as they ought to be relieved. Some of them had been eighteeen, twenty, and even twenty-four years absent, without relief. He held in his hand a list of various regiments, no one of which had been less than seventeen years out of their native country; and some of them even twenty-seven. Thus were these brave men banished from their country, for a longer period than if they had been so many felons. The necessity of sending an increased force to the West Indies, had prevented much of the relief which these regiments would otherwise have experienced. Some of the troops sent were shipped off at a fortnight's, some at nine days' notice. Having such extensive colonies as we possessed, we were bound to supply them with such a military force as would ensure the preservation of tranquillity; and we were bound, at the same time, to do our brave troops the justice they so well deserved, and not to make them exiles for life. Another argument used by the hon. member for Aberdeen had been, that it was only necessary to tranquillise Ireland, and that then we should not require the number of troops in that country which were now employed there. True; but how were we to effect this highly desirable object? Had the hon. member suggested any mode of effecting it? If he had done so, had parliament adopted it? It was evident that no plan that had been proposed on the subject had been considered feasible: but, before the tranquillity of Ireland could be thoroughly assured, no one would think of withdrawing the troops which her present condition unhappily rendered necessary. The hon. member had also recommended a reduction of the household troops, and the substitution, if requisite, of the militia and of volunteers. The first could not be effected unless parliament consented to reduce the whole military establishment of the country, which it would not do; and the militia could not be constitutionally employed in the manner recommended by the hon. member, unless in case of invasion. Upon a full consideration of all the circumstances, he rejoiced that his majesty's ministers had seen the necessity of an augmentation of our military force. There was one thing, however, to which he objected; namely, the selecting of officers, in the event of vacancies, from the half-pay. The long procrastinated war, and other circumstances, had induced the admission into the army of many persons unfit, from family or education, for the military profession; and it was not desirable that such a system should be persevered in. It was highly desirable that those officers who were separated from their wives and families, and sent to such a climate as the West Indies, should, in the event of vacancies, be promoted to them, rather than that those vacancies should be filled up from the half-pay.

Mr. *Wodehouse* expressed his most anxious hope, that whenever the subject of the West Indies should be introduced, it would be discussed in the most calm and temperate manner. With regard to the condition of some of the regiments stationed in the colonies, it was a subject on which he had strong private and personal feelings; but, let every hon. gentleman who heard him, recollect that what was at present his (Mr. W's) case, might, at another time, be their own. He held in his hand a list of the number of deaths in one of the regiments stationed at Barbadoes. Since its embarkation from this country it had lost upwards of 20 officers and 500 men. Now, the circumstances under which the regiment was ordered out were these:—It was sent, not as a relief, but as a reinforcement. In consequence of the cry at home for reduction, it was forced out at an unhealthy period of the year; and to that the great mortality which it had experienced was to be attributed. Now, he would ask, whether this was not an occurrence which demanded the most serious consideration? He spoke on the subject from a communication which he had had with an hon. and gallant officer, formerly a member of that House, a man as highly respected as he was universally known—he meant sir Herbert Taylor. The hon. member for Aberdeen had thought proper to say, that those who were on his (Mr. W's) side of the House, followed their leaders without thought or consideration. He, however, for one, although he conscientiously supported his majesty's government on most occasions, had formerly expressed his opinion—an opinion which he still retained—that they had carried the reduction of our naval and military establishments too far. He did not wish to arrogate to himself any peculiar wisdom: but unquestionably it now appeared, that his majesty's ministers thought with him; and he conceived them to be entitled to the gratitude of the country for the augmentation which they had made in our military force. In allusion to the jealousy which the hon. member for Aberdeen had expressed of a great standing army, he would willingly allow that such a jealousy, under certain circumstances, was highly constitutional; but every case must be judged of by its peculiar circumstances; and the real consideration ought always to be, what the various exigencies of the country demanded. He wished that he could place the hon. member for Aberdeen under proper guidance on this subject. He wished that, without irregularity, he could refer him to the opinions expressed in another place by a noble baron, who had not scrupled to declare it to be his opinion, that the augmentation of the military force now proposed by his majesty's government was absolutely necessary. If the hon. member would place himself under the guidance of that noble baron, he need not fear that he should be required to support any unconstitutional principles.

Mr. *Bernal* wished to say a few words with respect to the quartering of troops in the West Indies, although he was not sure whether that belonged to the noble lord's department or to head quarters. He knew well, however, that, when troops were sent to the West Indies, and especially to Jamaica, by an extreme error or oversight, they were not put in proper quarters, but were kept in the neighbourhood of Port Royal or Kingston, instead of being sent up the country, where the atmosphere was healthy. This was a grave consideration, and ought to be invariably attended to. Another fact was, that the troops were not sent at the proper season of the year. He perfectly agreed with the hon. general who had recently spoken, that the system of relief was not sufficient. But, there had been a system of favouritism very injurious in its character. Particular regiments, under the name of "crack regiments," had been treated with partiality. Until this system of favouritism was destroyed—until all distinctions of corps were abolished—until no difference was made between fusileers and light regiments—the existing evil would not be effectually removed. Of late years, a new practice had obtained of sending dragoons to the East Indies. Of this he approved; and it was a practice which he thought might be extended with advantage. On the question of the expediency of a general increase of our military force, he felt some difficulty. He went a long way with the hon. member for Aberdeen, in allowing that, if the circumstances of Ireland were different, we might discharge a great part of our army. But he could not forget, that arrangements had already been made by government for supplying the West Indies with these four thousand additional troops. If the House dissented from the proposed vote, government would be thrown into the most distressing dilemma. He should abstain from saying a word of the paramount importance of making the state of the West Indies the subject of the most serious consideration. The time, however, must come when he and all the members of that House, who had an immediate interest in the question, must speak out; for silence, carried too far, became criminal. But while he said this, he begged to say, that no man was more constitutionally jealous than himself of a great increase of our standing army.

Mr. *Hobhouse* said, he felt that he owed an apology to the Committee for addressing them on the present occasion, as he was afraid he must utter sentiments which would appear quite extraordinary, and antiquated in their nature, and which could expect to meet with no sympathy in that House, and he was afraid he should almost be justified in adding, in the country at large. But it was his duty to speak his own conviction on the present important subject. There was one imperative duty on a zealous member of that House, when he saw either a deficiency, or an excess of popular feeling; namely, to shew the people to what either must lead. This was the duty of those who were connected with his majesty's government; and it was no less the duty of those who thought they were the more faithful representatives of the popular interest. He was one of those who, in the last session of parliament, complained that England did not assume the attitude which, in the then state of Europe, became a great and mighty nation. We were able to give the law to all Europe, and we ought not to have truckled to her tyrants. As his majesty's government had, however, thought proper to decide differently—as they had left Spain to her fate—as they had declined the honour of standing in that attitude, they ought not now to saddle the country with the expense. As it was evident that we did not wish for an army to deter tyrants abroad, it was equally evident that we wanted it to keep down the people at home. The House had been told, that it was ridiculous to suppose, in the present day, that this standing army was kept up for any unconstitutional purpose; but, he must look at it as he would at any similar proposition in any other age and in any other country. He knew that standing armies were always employed for similar purposes. Reading our history, as all Englishmen formerly read it, he could never come to the conclusion to which, he was sorry to say, his countrymen seemed generally to have come; namely, to look at an augmentation of the standing army as a matter of course, scarcely worthy of discussion, or only of such a discussion as that which had just taken place. The noble lord came down with a proposition to increase our standing army by 4,000 men, as if that were a mere trifle. Did not the noble lord recollect that, in times of the utmost disturbance, when great changes were apprehended not only in England but throughout Europe, that the augmentation proposed in our military force was only half that now proposed? The noble lord was aware, what a change took place in the prospects of this country, from the year 1792 to 1793. Mr. Pitt, in 1791 and 1792, had almost promised a continuance of peace; but, in 1793, so much was the hemisphere of England overclouded, so necessary was it considered, even by the most dispassionate persons, to provide against the contingencies which might occur, that an augmentation of our military force was generally allowed to be requisite. But, to what amount? Only to the amount of two thousand men. And yet the noble lord, at the present moment, when the House and the country were told in the speech from the throne, that there was no reason to apprehend any danger from foreign aggression, proposed to increase our military force by 4,000 men. And on what pretext? Because there were disturbances in the colonies which required to be allayed. Now, what was the existing military force of the country? We had for England and Ireland a regular force of 42,000 men. If it was necessary to send additional troops to the West Indies, it seemed to him that we could spare some of our home force for that purpose. He denied that this would materially disturb our arrangements; and if it were to do so, he should be very glad if he could have disturbed the military arrangements of every government in this country for the last fifty years. To return to the existing force: there were 20,000 troops for England. He recollected that in 1818, when the military estimates were discussed in the committee of supply, the noble lord stated, that although the number of 26,000 was mentioned in the estimates as for the service of England, the fact was, that only 18,000 were actually available. But, at that time, all the manufacturing districts were in a state of disturbance. It would have been hazardous to say that a civil war would not take place in the course of twelve months. Yet the noble lord then thought eighteen thousand men sufficient for the service of England. But now, when according to the king's Speech, there was no danger, foreign or domestic, 20,000 troops were demanded for that service. He really could not conceive how Englishmen, who in former days were accustomed to regard any increase of the standing army as the forerunner of the overthrow of the constitution, could now submit to be shouldered and elbowed in every street of every town by the military without remonstrance. He was really ashamed to go so far back into our history for examples; but he could not help reminding the House, that Charles the Second proposed a standing army of only 6,000 men; that that was the whole of the military force which that arbitrary monarch endeavoured to impose upon his people; and yet that his pensioned parliament—that parliament which had been branded with the imputation of being ever subservient to his views—was not base enough to permit the existence of so large a force. From the first time that he had opened his mouth in that House, he had always expressed his opinion, that it was necessary to keep a jealous and vigilant guard against the attempts which were constantly making to increase the standing military force of the country; and, to the latest hour of his life, he should continue to express the same opinion. It must be obvious to every man who would take the trouble to examine it, that nothing could be more dangerous than the success of such attempts: the history of every country in which they had been effected, proved that their natural tendency was the subversion of constitutions; and he had no doubt, that if it was not checked, it would also overturn the constitution of England. The noble lord had not given the House any sufficient reason for the augmentation of the forces which he had proposed. It was not pretended to be necessary for the maintenance of tranquillity. Why, then, were 20,000 men wanted? Why was a greater force necessary at this period of profound repose, than the usurper Cromwell had kept up for the purpose of maintaining by the sword that rule which he had obtained by the sword, and could only maintain by the sword? He did not mean to deny that some force was always necessary from which the reinforcements required for the service of the colonies should be drawn; but it did not follow that such force might not be limited. If, in the year 1818, 18,000 men were found sufficient, why was it proposed now to increase them? And, after all, it was not the number that was so objectionable, as the way in which the noble lord came down to the House, and seemed to consider that the military force of the country must be augmented as a matter of course, whenever his majesty's government thought proper to require it; and that such a proposition, so far from exciting any discussion, ought to be met with compliments on the wisdom of his majesty's governments, and gratitude for the vigilant care which they took of the constitution, and of the liberties of the people. Looking, as he did, with anxiety and jealousy at all attempts like this, he could not help regretting that he had not the valuable assistance of some of his own friends, as well as of other honourable members, who usually expressed themselves unfavourably to such augmentations as that which he was now opposing. The hon. member for Norfolk, who was one of that class of persons commonly most zealous to aid such oppositions—he meant the country gentlemen—and who, if they were not induced by a wiser and more extensive view of the dangers with which a standing military force was fraught, had in general at least a strong instinct which prompted them to the protection of their own interests from the mischievous consequence of such a force—even that hon. member was found to advocate the proposed addition to the standing army.—It was alleged, that the state of Ireland rendered a large military force always necessary. Now he called upon the House to consider, that it behoved them to show by their vote of that night, how much they thought it necessary that a change should be made in the system which had been acted upon towards that unfortunate country. He wished most heartily that the government, instead of always attempting to put down the prevailing discontents there by force, would attempt to remove the causes of those discontents. He wished that Ireland should no longer be governed like a conquered country, nor the English inhabitants of it taught to consider themselves as colonists, who could only hold possession of it by means of an extensive faction, and by the maintenance of an armed force. By the vote of that night, it was proposed to send over 22,000 men to Ireland. Added to these, were 32,000 yeomanry (to say nothing of the militia) exercised once a month; and who, having arms in their own hands, and being associated for their own interests, and conscious that they lived only by the tenure of their swords and bayonets, were ready to act at a moment's notice. There was besides a police of 5,000 men; making upon the whole, exclusive of the militia, 55,000 armed men. And by this simple engine of state, his majesty's government thought they could justify all the wrongs which had so long been inflicted on that unhappy country. Instead of such a step, he would take the liberty of recommending a change of measures; he would take the liberty of recommending an adoption of the principles which had invariably succeeded in the government of great countries; he would take the liberty of recommending a resort to persuasion instead of to force; he would take the liberty of recommending a recourse, not to proscription, but to a general dispensation of the favours of government; he would take the liberty of recommending a return to the principles of the wisest and best of statesmen, and to try if they could not henceforward associate under a civil government, those who had hitherto been kept in a state of separation under a military one. He begged pardon of the committee for having trespassed so far upon their time, but it was necessary that the public attention should be called to these points. In his opinion, the people of England did not entertain a sufficient degree of constitutional jealousy with respect to the standing army maintained in this country. His own constituents were, perhaps, as much alive to the interests and liberties of their country as any people in the country; and yet, even they, he feared, were not sufficiently aware of a project which had been going on for the last two years—he meant that of erecting barracks upon the site of the King's Mews, in the very heart of Westminster. It was said, that in that spot which had formerly been devoted to the amusements of the crown, it was now intended to provide for the residence of a force, which might be made to overawe the people, if ever their rights should come in collision with the pretensions of the Crown. He hoped the noble lord would favour him with a categorical answer to the question, whether it was really the intention of government to convert the King's Mews into military barracks? It was necessary, or at least it was fair, that, if this was intended, it should be known; for he could assure the noble lord, that it would make no small stir—he hoped in the metropolis, but certainly in that part of it which was most nearly interested in the subject. Many of his constituents had complained to him of the pecuniary detriment which they experienced by the shutting up the thoroughfare at the Mews. This was certainly unjustifiable; but if, because it had been suffered, the noble lord thought the people would tamely endure the building of barracks wherever the government might think fit, he would find himself mistaken. He knew that the noble lord had, on a former occasion, when speaking on the subject of inland barracks, despised the antiquated authority of Blackstone, and opposed to it the more enlightened wisdom of the present age.—He begged pardon for the length at which he had troubled the committee on this subject; but he could not suffer the opportunity which was now afforded him of expressing his opinions on the augmentation of the military force—opinions which, even if he should have the misfortune to hold them singly, he was nevertheless convinced, were such as deeply concerned the preservation of the constitution. The absence of many of the hon. members who usually supported the view which he had taken of the question, was among the many lamentable proofs of the habit of supineness and insensibility to this subject, which was gradually creeping on where it had never before been found. He should vote with his hon. friend for the proposed amendment; and if it had been extended to sending the whole army out of England, and leaving the country under the protection of the civil power only, he would have no less willingly supported it.

Lord *Palmerston* said, that as far as he had been able to collect the opinion of the House, the hon. members for Westminster and Aberdeen were the only gentlemen who intended to oppose the vote; it was therefore unnecessary for him to enter further into the discussion, than to answer some of the objections which they had raised. In the first place, the hon. member for Aberdeen had seemed to consider the reinforcements for the West-India service necessary; for although he had in the early part of his speech denied this, he had afterwards conceded it. But he had said, that he consented to the estimates of the last year, only because it was then expected that the country might be engaged in a war, and that but for that probability he would have proposed a reduction to the amount of 10,000 men. The hon. gentleman might, perhaps, allude to an opinion entertained by himself and his friends; but the noble lord said, he felt it necessary, on his own part, to declare, that such an expectation formed no part of the grounds on which he had solicited the vote of last year. On the contrary, the government had then declared its resolution of remaining strictly neutral, and he could not believe that the House had been induced to agree to the vote for any such reason: he was quite sure that none such had been proposed by him. What were the means by which the hon. gentleman would have the reduction which he recommended effected? Why, he was of opinion, that if certain measures were adopted the military force at present in Ireland might be withdrawn and applied to the reinforcement of the colonial service. Now, did any man in his senses believe, that if the Catholic question were set at rest to-morrow, it would have such a magic effect upon Ireland, that the force employed there might be safely removed at once?—The hon. member had next proposed, that a reduction should be made in the cavalry and the guards. He (lord P.) was prepared to contend, that there was not a larger number of men in those regiments than was fairly proportioned to the infantry of the line; and that it was impossible to reduce them without also reducing the efficiency of that establishment, which even in time of peace, it was necessary to keep up, that armies might be formed if war should break out.—The hon. member had next alluded to the militia and yeomanry: but he must know very well, that neither of those forces could in any way be made serviceable for colonial reinforcements. Still, if nothing could be deducted from any of these sources, the hon. member had maintained that the augmentation of the army might be effected at a less expense, and that instead of six new regiments, additions might be made to the old ones. He (lord P.) was quite aware that large regimental establishments were less expensive, in proportion than small ones; but, from the nature of the colonies, and the manner in which the forces were distributed, an addition of fifty men to each regiment, although it would increase the numerical force of the establishment, would not add to its disposable force; because the addition would be made, in many places where it was not wanted, and in others it would be inadequate. The expense at which the new regiments were made was only that of the officers; and this it must be remembered, was less than it might seem to be; for they were supplied from the half-pay list, and the additional expense was therefore only the difference between full and half pay; which was not, as the term would imply, one half, but in some instances a third, and in others only a fourth. —The hon. member under the gallery (Mr. Bernal) had complained, that the system of quartering troops in the West Indies was not sufficiently attended to. The healthiness of the barracks had, however, long occupied the attention of the government, and great pains had been taken by sending competent medical men to examine them, to procure the best opinions respecting each station. He was aware that some stations had been found unfavourable to the health of the troops.

The government had been engaged in making arrangements with the legislative body of the island of Jamaica, to alter those stations; and although some difficulties had arisen, he could assure the House that the subject had been by no means lost sight of. With respect to the time and season at which troops were sent to the West Indies, it was true, that it was extremely desirable the reinforcements should arrive there at particular periods of the year. The regiment to which his hon. friend (Mr. Wodehouse) had alluded had unavoidably been sent under very unfavourable circumstances; but this was one of the prejudical consequences arising from the force in the colonies being brought to so low an amount, that, when a reinforcement became immediately necessary, there were no means of supplying it, but by sending a regiment from home, when perhaps the Government could not control the period of its arrival. The hon. member for Westminster had said, that he was in the sole possession of peculiar opinions on the subject before the House. He did not think, from the hon. member's arguments of this evening that he was at all likely to lose the possession of those opinions; and for his own part, as he would not willingly rob the hon. member of the exclusive credit to which they were entitled, he should say not a word against them. It was by no means his wish to ridicule that proper constitutional jealousy with which the people of England had always regarded the establishment of a standing army; but he would put it to the hon. gentleman, or to those who were sincere admirers and well-wishers of the constitution, whether it would not be better to reserve the expression of their opinions on the subject to a fit opportunity, and whether they did not, in fact, throw ridicule on the cause they wished to support, by introducing those opinions upon occasions to which they did not apply.

Mr. *Hobhouse* said, that the noble lord, for the purpose of rounding a period, had exaggerated what had fallen from him. He did not say that he was in the sole possession of the opinions he had expressed; and, at all events, the noble lord might have done justice to the conscientious motives which prompted that expression, even though it had been as ill-timed as he seemed to think it. He was quite satisfied, notwithstanding the ridicule which the noble lord thought his (Mr. H's.) injudicious support had thrown upon constitutional principles, that they remained unhurt by it. He was sure he had done those principles as little harm by his support, as the noble lord had done by his attack.

Colonel *Davies* thought the estimate an extravagant one, but he was still not prepared to go the full length of the motion.

Mr. *Hume* said, that the only opposition to his amendment had been made on the part of military men, and whoever expected that military men would support a reduction of the army? He could not but regret that the constitutional jealousy which had formerly prevailed against a standing army seemed to have altogether ceased. The empty benches which he saw around him bore too strong evidence of the fact. The ministers, left at their own discretion, proposed to uphold a standing army of no less than 82,000 men; and that, too, in a time of profound peace. He, however, left his amendment with the committee, satisfied that he had done his duty.

Mr. *Calcraft* said, he differed with his hon. friend as to the propriety of a reduction of ten thousand men. He thought he could convince his hon. friend, that the amendment was not tenable. The only reduction which he could with any chance of success, propose, would be in the amount of the proposed augmentation. His hon. friend had said, that this was a constitutional question. Undoubtedly it was a constitutional question; and so it had for years, been urged, on his side of the House to be; until at length, a reduction of the military force to that point, below which it could not with safety to the country be reduced, had taken place. The absence of hon. members could not be defended; but, undoubtedly, if their absence could be at all excused, it was on a question on which they had so often stated their sentiments, and had succeeded in reducing the military force to that standard, which, in their judgment, was necessary for the public safety. His hon. friend had said, that an hon. gentleman was not a fit juror on the present question. To him (Mr. C.), however, no objection of the kind could be made. He conceived himself a fit juror, and his verdict certainly should be against his hon. friend.

The committee divided. For the original motion, 102; for Mr. Hume's amendment, 10.

List of the Minority.

Grattan, J.	Palmer, C. F.
Guise, sir W. B.	Wood, M.
Hobhouse, J. C.	Williams, W.
Johnson, col.	Wilkins, W.
Ingilby, sir W.	TELLER.
Monck, J. B.	Hume, J.

NAVY ESTIMATES.] Sir G. Clerk having moved, "That 57,670*l.* 15*s.* be granted for defraying the salaries and contingent expenses of the Navy-office for the year 1824,"

Mr. *Hume* took that opportunity of calling the attention of the hon. baronet to a subject which was connected with the vote before the committee. He understood, that great dissatisfaction existed among the lower class of workmen in the dock-yards, on account of the reduction which had been made in their wages since the conclusion of the war; which reduction they conceived to be much greater in proportion to the amount of their wages, than the reduction which had taken place in the salaries of the persons who held situations above them. He did not know whether the attention of government had been called to the circumstance; but he had received information to the effect which he had stated.

Sir *G. Clerk* contended, that the workmen had no just ground of dissatisfaction. Until about a year ago the quantity of work had been reduced, instead of diminishing the wages or discharging the men; but the system had been recently changed, and a general reduction of 20 per cent in the price of labour had been effected.

On the resolution, "That 507,000*l.* be granted for defraying the charge for timber stores," &c.

Mr. *Hume* begged to know, whether any remedy had been discovered, and what had been the result of the recent experiments to put a stop to the progress of the dry-rot in the navy?

Sir *B. Martin* said, that there was less dry-rot in the navy at present than at any former period. Immersion of the wood in salt water was now practised, and the use of coal-tar discontinued. For the latter circumstance he was sorry; because he believed the use of coal-tar to be attended with good effects. It was quite certain that the dry-rot had greatly decreased since the termination of the war; and he was convinced that the ships which had been built since that period would be of longer duration than any which had been constructed before. In consequence of the allusion which had been made on a former occasion to Mr. Burridge's book on the dry-rot, he had taken the trouble to read that work through, and he did not hesitate to say that it was fallacious from the beginning to the end.

Mr. *Hume* observed, that he could not vouch for the truth of all that Mr. Burridge had advanced, but there certainly were some of his statements which deserved to be seriously considered, and he intended to bring them under the notice of the House at a future period. He wished to receive information on two other points; namely, whether the use of foreign timber had been abandoned in ship-building; and whether, in the contracts which had been made by government, it had been stipulated, that the timber should be felled in winter instead of the summer?

Sir *B. Martin* said, that government had contracted for both foreign and native timber, but that no stipulation had been made that it should be felled at any particular period. When the hon. member should bring the subject of the dry-rot before the House, he would show that the dry-rot had been most destructive to our shipping during the last hundred and fifty years, and that it had only begun to disappear since the conclusion of the war.

Sir *J. Wrottesley* said, that the answers to the numerous inquiries he had made upon the subject showed, that the durability of timber was much greater if it were felled in the winter, when the sap was down, than in the spring when it was rising, or in the summer, when it was up.

On the resolution, "That 52,809*l.* 19*s.* 1*d.* be granted for the salaries of the officers, and the contingent expenses of the Foreign yards, for the year 1824,"

Mr. *Hume* wished to be informed whether any persons had been sent out to Bermuda to report on the extensive works going on there, and if so, what had been the result?

Sir *G. Clerk* answered, that Mr. Jessop had been sent out, and that he had given a very favourable report of the place, as a station for shipping.

Mr. *Hume* asked, whether any other report had been made?

Sir *G. Clerk* said, that the report of Mr. Jessop was so satisfactory, and he was a man of so much skill and knowledge, that no other information was needed.

Mr. *Bright* considered the naval establishment in Bermuda of the utmost importance, and he had some doubts whether ministers were about to ask for money enough to continue the works. It would be thirteen or fourteen years before they would be completed; and as in the event of war, the island might be easily taken, it was very material that as soon as possible it should be put in a state of defence. He begged to inquire if ministers had done any thing with regard to the settlements made by the United States in the South of Florida? He did not desire, however, that any inconvenient disclosures on the subject should be made.

Sir *G. Cockburn* said, that although of course this country could not object to the United States making any establishment they pleased upon the coast of Florida, yet that ministers, as was their duty, had kept a watchful eye upon their proceedings. Thus much he felt himself at liberty to say.

On the resolution, "That 911,000*l.* be granted for half-pay to naval officers for the year 1824,"

Mr. *Calcraft* begged to observe, that he thought the case of the midshipmen was a very hard one as to half-pay. Whatever had been their services, or however they might be entitled by their skill and merit, it was often totally out of the power of the Admiralty to grant them any promotion. Now, it appeared to him, that it would be but fair and expedient, to select a certain number of midshipmen, on the principle, for example, of length of service. At present, very many in this class of officers were obliged to turn their attention to some other employment for subsistence, and thus, meritorious individuals though they might be, they were lost to the service for ever. He conceived that a certain proportion might be selected, to whom half-pay should be given (and the whole amount could be but small), as a retaining fee, whenever the country might require their services.

Sir *G. Clerk* said, that the subject was one of great importance, and had occupied the attention of the Admiralty; but there were many difficulties in the way of it, and he was sure that the particular mode suggested by the hon. member could not be adopted. He might add, that many promotions had of late been made by the Admiralty to lieutenancies, on the ground of length of service alone, and that in this way all the midshipmen had been promoted who had passed examination down to the year 1814.

Mr. *Calcraft* said, he was not at all tenacious as to the mode in which the purpose he had in view was effected: but he certainly thought, that in some way or other, provision should be made for a certain number of midshipmen; and he was convinced that no objection would be made by parliament to a vote of 5 or 6,000*l.* for a moderate half-pay for this useful class.

Sir *G. Cockburn* returned thanks as a naval officer, rather than as a member of the Admiralty board, to the hon. member, for the attention which he uniformly paid to the navy, and particularly to the meritorious class of officers he had mentioned. The subject was one of great importance; but, as his hon. colleague had said, it was beset with difficulties.

Mr. *Hume* wished to know, as to the naval officers on half-pay in general, whether they were in the same situation now as they were after the American war —whether, for instance, a lieutenant or other officer could command, or take any situation, in merchant vessels, and under what limitation, without running the hazard of losing his commission?

Sir *G. Clerk* said, that a lieutenant might command a merchant vessel, with the leave of the Admiralty. The leave of the Admiralty was necessary; because, by the regulations of the half-pay, which had existed ever since the reign of Geo. 2nd, the officers of the navy on half-pay were obliged to reside at a sea port; but the leave was freely granted, with the exception of the command of small packets where hire was taken for passengers; which was thought to be below the dignity of an officer holding the rank of lieutenant in the navy.

Mr. *Hume.*—Did the same regulation as to packets exist at the end of the American war?

Sir *G. Clerk.*—Exactly the same.

Mr. *Hume.*—I understand that very considerable fees are taken on the leave granted.

Sir *G. Clerk.*—A fee is taken.

Mr. *Hume.*—This is a great hardship on the officers of the navy, and should be done away with. There was a return some time ago, of 19,000*l.* fees taken in this way. Officers of the army applying for leave, pay no fees. Why, then, should officers of the navy be subjected to such a tax? The honourable and gallant officer opposite had been understood upon a former night to say, that masters of the navy had not been more generally promoted, on account of their not being able to pass their examinations. Now, he (Mr. H.) considered this class of officers to be a highly meritorious set of men. He found their total number as it stood in the last list, to be 551; since which list, 76 had been set aside. Perhaps it would be better to retain them for the service of the public, against their experience and talents might be needed. There were now left, therefore, 475 masters, 250 of whom were at present employed in the merchant service, or subsisting on the very small half-pay allowed them. If these men should be wanted, so small was the encouragement held out to them, that it might be a question how far they would be disposed to return to the service. Theirs appeared a case of considerable hardship.

Sir *G. Cockburn* observed, that if he had been represented to have said what had just been imputed to him by the hon. member, he could only say, that if persons would look for information to that source which was constantly, and for the purpose, giving a wrong representation of what fell from gentlemen in that House, he was not answerable for such error. What he really did say, on a former night, was, that the masters of the navy were a most useful set of men. It was then observed to him, that originally, every master who chose it, and was judged sufficiently qualified, might rise to the rank of lieutenant; but that that sort of promotion was now put a stop to. His answer had been, that masters could still be promoted, and were now occasionally promoted; and that at one time only, an interval of two years, occurring about 20 years since, had this rule been interrupted. That with regard to other persons rising to be masters, and he meant seamen of course, no other restriction was imposed upon their promotion, but their sustaining a very strict examination as to ability. This was what he had stated at the time; and if he had been wrongly reported, as he generally was, it was no fault of his.

Mr. *Hume* said, he had seen no report of the hon. and gallant officer's speech; but such had been his understanding.

The several resolutions were then put and agreed to.

HOUSE OF COMMONS.

Monday, February 23.

COAL DUTIES—PETITIONS FOR REPEAL.] Numerous petitions were presented from various parts of the country for the repeal of the Duties on Coal. Amongst others,

Mr. Alderman *Wood* presented a petition signed by between 3,000 and 4,000 inhabitants of the city of London, against the unequal and unjust tax upon coals. He had already said so much upon the subject, that he should now only observe, that if these duties were not in the number of those which the chancellor of the Exchequer meant to give up, he should think it his duty to give notice for a committee on the subject, when he anticipated the support of those members who had already presented petitions against the tax.

Mr. *Baring* said, that when the worthy alderman moved for the committee, he hoped it would be with a view of inquiring into the whole subject, as well the tax which was paid to the king as that augmentation of the price of coals which resulted from city management, and which, from the debates in the common council, he was led to believe amounted, by the charge of metage and the city regulations, to between 4*s*. and 5*s*. a chaldron.

Mr. *Littleton* said, that when the time should come that this tax should be proposed for repeal, it would meet with his most decided opposition, unless it were a repeal of the most gradual nature.

Mr. Alderman *Wood* said, the hon. member for Taunton had swelled the charge of metage, which was but 4*d*. to between 4*s*. and 5*s*. To the 118 meters already appointed, the corporation of London had appointed 40 more to facilitate the delivery of coals, and for which there would not be any addition of charge to the public.

Mr. *Baring* observed, that he had not said, that the duties of metage amounted to 4*s*. or 5*s*. the chaldron, but that in consequence of the regulations adopted by the city, an additional 4*s*. or 5*s*. a chaldron was charged on the consumer.

Mr. *Grenfell* said, it was a little too much, when petitions were pouring in from all parts of the country against these duties, for the hon. member for Staffordshire to rise and declare his opposition, because it would interfere with the interests of his constituents; as if the interests of the collieries of Staffordshire and Newcastle were to be every thing, and the interests of the consumers nothing.

Mr. *Littleton* said, he had not stated, that he would oppose the repeal of the tax without qualification; but had merely stated, that he would oppose the measure, unless the repeal was attempted in the most gradual manner.

Sir *M. W. Ridley* said, it was important that the whole subject should be inquired into, embracing the mode of delivery, both at Newcastle and London. Much blame had been thrown on the coal-owners in the north; but he would deny that they merited it. It was stated, that the supply was stinted, and kept lower than the demand; but from the returns for the last six months, it would be seen, that every market-day there was 120 or 130 ships at market, and only 50 or 60 sold.

Ordered to lie on the table.

COUNTY COURTS BILL—RECOVERY OF SMALL DEBTS.] Lord *Althorp* having brought in his bill, "for preventing delays and expenses in the Proceedings of County Courts, and for the more easy and speedy recovery of Small Debts,"

Mr. *Hobhouse* said, he fully concurred in all the eulogiums that had been so deservedly pronounced upon the noble lord for this very useful measure: but he wished to call the attention of the noble lord to two alterations which were entitled to his consideration. It was true, that they would more especially affect his own constituents and the city of London. The first amendment he would suggest, related to the alteration respecting the statute of limitation from six years to two; and he should propose, that creditors should have the power to renew their demand at the end of every two years, by filing an affidavit at a small expense. In London and Westminster, where the persons who dealt with tradesmen frequently left their residence, those tradesmen would be subject to frequent losses if this were not done. The House was probably not aware that there was a society in Westminster, of tradesmen, who kept an account of the residences of different people who owed money to them, where information could be procured; and he had been informed by one of the leading persons of that society, that they had upon their list at that moment no less than 2,000 persons whose residence they did not know; but the majority of whom were considered good paymasters, if they could be found. The House would therefore see, that, under such circumstances, these small debts would be irrecoverably lost. The second point would be, to give the debtor the privilege of suing, not at the residence of the debtor, for it would be impossible that they could follow people for small debts to York, and Lancaster, and Gloucester, and so on. He should not expect an answer from the noble lord at present, but he considered these two points of such importance, that he wished to take that opportunity of impressing them upon the attention of the noble lord; for, notwithstanding all the praise that had been justly bestowed upon the measure, he conceived, it would be incomplete without them.

The bill was then read a first time.

FINANCIAL SITUATION OF THE COUNTRY.] The House having resolved itself into a Committee of Supply,

The *Chancellor of the Exchequer* rose to make his promised Exposé of the Financial Situation of the Country; and addressed the Committee as follows:* Sir, In conformity with the course which I adopted in the last session of parliament, I take the earliest opportunity of opening to the House the view which his majesty's government takes of the present situation and future prospects of our finances. In time of war, a proceeding of this kind is obviously impracticable, because the various changes and exigencies to which a state of hostility necessarily gives rise, render it impossible that his majesty's government should be able, at so early a period, to present to the House of Commons any precise estimate of the supplies which circumstances may make it imperative on them to require in the course of the year. In time of peace, however, no such difficulty exists; and I think the Committee will agree with me, that it is of great importance that, at the commencement of the session, the House of Commons and the country should be made fully acquainted with the whole condition of our finances. Such a course enables the House to watch with more vigilance and jealousy (and of such vigilance and jealousy I am the last man who would complain) any proposition which his majesty's government may think proper to submit to it; and gives it an opportunity of entering into a more attentive and detailed examination of all those great branches of income and expenditure, in the regulation of which the interests of the country are so deeply involved. I feel, therefore, that, in following the course which I took last year upon this subject, I shall do that which is my duty, as well as that which must be most convenient and advantageous to the House and to the country.

Acting, then, on this principle, and with a view to give the Committee the fullest explanation in my power respecting the situation in which our finances now stand, and the measures which it appears to his majesty's government most expedient to propose for the adoption of parliament, I will proceed, Sir, in the first place, to state to the Committee the revenue, expenditure, and surplus of last year; and then to furnish them with the best estimate I can form of the revenue, expenditure, and surplus of that which has just commenced. Having done this, in the first instance, as a mere matter of detail, I shall then call the attention of the Committee to those observations which appear to me to arise out of this statement of our financial situation; and to the measures which it is my intention to propose in consequence.

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* From the original edition printed for J. Hatchard and Son.

By a document which has been laid on the table of the House, the Committee are aware that the revenue of last year amounted to 57,672,999*l.*, and the expenditure to 50,962,014*l.*, leaving a surplus of 6,710,985*l.* From this, however, it is necessary to deduct 5,000,000*l.* being the sum which by the act of last session, was set aside for the gradual diminution of the national debt. The surplus, therefore, of the last year, available for any immediate public purpose, is 1,710,985*l.*

The estimate which I have to present to the Committee, of the revenue, expenditure, and surplus of the present year, is as follows:—

The Customs, I take at	£.11,550,000
The Excise, at	25,625,000
The Stamps, at	6,800,000
The Taxes, including the Land and Assessed Taxes, at	5,100,000
The Post Office, at	1,460,000
The Miscellaneous, comprehending many minute sources of income with which it is unnecessary at present to trouble the Committee, at	730,000
The remaining payments of the Austrian Loan, at	1,500,000
The payments on account of the Half-pay and Pensions' annuity, at	4,620,000
Making a total of	£.57,385,000

The estimated expenditure of the year 1824 is as follows:—

First, there is the charge on the Consolidated Fund for those permanent expenses which do not depend on the annual votes of the House of Commons; namely, the interest and management of the Public debt, amounting to	£.27,973,196
The interest upon that class of Exchequer Bills which are commonly called Deficiency Bills, amounting to	100,000
The annual and permanent charges on the Consolidated Fund for the Civil List, Parliamentary Pensions, &c. amounting to	2,050,000
The Half-pay Annuities, amounting to	2,800,000
And the Sinking Fund, amounting to	5,134,458
Making a total of permanent Expenditure of	£.38,057,654
If to that we add the Supplies of the year, *viz.*—for interest on Exchequer Bills	1,050,000
Army	7,440,945
Navy	5,762,893
Ordnance	1,410,044
And Miscellaneous	2,611,388
We shall find that the whole will amount to	£.56,332,924

Let this be deducted from the amount of income which I have already mentioned, namely, 57,385,000*l.*, and there will remain a surplus at the end of the present year (after applying 5,134,458*l.* to the reduction of the debt) of 1,052,076*l.*; so that we may estimate the surplus of the two years, the last and the present, at 2,763,061*l.*

Having troubled the Committee with this detail of figures unaccompanied by any observations, I shall now proceed to state what it appears to me to be essential that parliament should take into consideration when looking at these accounts.

In the first place, Sir, I beg the Committee to compare the actual receipts of the revenue for the year 1824 with the amount at which I ventured to estimate those receipts at the commencement of the last session of parliament. At that time, I calculated that the Customs would produce 10,500,000*l.*; and in doing so I did not think that I took too sanguine a view of the capabilities of the country, or that I was submitting to parliament an estimate which there was not every fair reason to believe would be realized to its full extent; and in point of fact, such has been the increase of our foreign commerce, owing to the adoption of that more free and liberal spirit of commercial policy, of which I have always been the advocate, and which I have had the satisfaction of finding readily supported by parliament, and owing to the increased facilities of consumption which every one knows to prevail in all parts of the country;—I have the satisfaction to say, that I much underrated the produce of the customs in the last year; for instead of 10,500,000*l.*, the actual receipt was 11,500,000*l.* I flatter myself, Sir, that this is a state of things progressive in its nature, and which will fully warrant the adoption of some measures proposed upon similar principles, which I shall by and by describe, trusting that the experience of the past will give the Committee an assurance, that there is abundant reason for pursuing that course of free and liberal commercial policy, from which such benefits have already been obtained.

The Excise does not exactly exhibit the same results; but I shall have no difficulty in showing the committee, that, although the actual receipts of the Excise in the last year fell short of the estimate, that circumstance can be satisfactorily accounted for. A reference to the official documents will prove, that it has by no means arisen from any deficiency in the consumption of exciseable articles during the last year; on the contrary, it will appear that there has been a considerable increase in the consumption of most of those articles.

The sum at which I estimated the Excise of last year was, 26,000,000*l.*; the actual receipt was 25,342,000*l.* This difference between my estimate and the amount really received, arose from some circumstances to which I did not advert when I formed the estimate, and which I will now explain to the Committee.

In the first place, I omitted to advert to the fact, that a considerable drawback remained to be paid on the stock in hand of malt, when that duty was diminished in 1822, amounting to 130,000*l.* Secondly, owing to the state of distress which had been represented (and I believe very fairly represented) by many persons, as existing in those parts of the country where hop cultivation is principally carried on, his majesty's government thought it advisable to see how far a temporary postponement of the payment of the duties due on hops might have the effect of relieving the pressure. The consequence was, that the hop duty, which ought to have been received in 1823, and which exceeded 350,000*l.*, was not received at all; and that the only sum paid into the Exchequer last year on account of the duty on hops, was an arrear of 47,000*l.* The diminution in the amount of the Excise, was also increased by a measure which received the sanction of parliament last year, and which I contemplate with the greatest satisfaction; being persuaded that it must be ultimately productive of much good;—I mean the act which related to the distilleries of Ireland and Scotland. When I stated that it was intended to propose such an alteration in the law, I added, that it might probably occasion, in the first instance, a considerable reduction in the revenue: but that, being unable at that time to say precisely what the extent of that alteration would be, I could not venture to assume the loss to the revenue at any particular sum. The loss however which was actually sustained, was not so great in Ireland and Scotland, as in England, where the operations of the distiller were suspended from his being doubtful as to the effect of the new system: and I am warranted in declaring, that one of the main objects which parliament had in view in adopting that measure has been effected;—I mean the destruction of illicit distillation. It is on this fact that I build my expectation, that by and by the loss to the revenue, produced in the first instance by the diminution of duty, will be amply compensated, not by an additional consumption of spirits (for that is by no means desirable), but from its becoming practicable to bring the greater part, if not the whole, of the spirits which shall hereafter be made, either in Ireland or Scotland, within the operation of the duty. It is clear, that if that should prove to be the case, there can be no ground for supposing that the revenue will sustain any eventual loss; and I trust that, although it would not be prudent on my part to assume that the causes of that loss will immediately cease, I may confidently anticipate that, at no very distant period, this great branch of the public revenue will entirely recover from the temporary injury which it has suffered.

These, Sir, are the three principal circumstances which rendered the Excise, last year, less productive than I had anticipated. A reference to the document which I hold in my hand, will prove, that the deficiency sprung solely from the causes which I have described, and was by no means occasioned by any decrease of consumption: on the contrary, I can truly state, that of all the articles which pay Excise duty, there are very few indeed on which the duty charged last year (for that, rather than the mere produce of the duty in any one year, is the real criterion of consumption), does not exceed the duty charged, not only in the preceding year, but on the average of the last three years. With respect to auctions, beer, bricks and tiles, candles, coffee, glass, hides, there has been a considerable increase. In the article of hops there has undoubtedly been a falling off. It must be considered, however, that hops are a most fluctuating article, depending peculiarly on the contingencies of weather: to a degree indeed, of which persons unacquainted with the cultivation of that article can scarcely form an idea. In licences there has been a small diminution; in the last year they amounted in number to 301,193: and although there is an increase compared with the year which immediately preceded it, upon an average of three years there is a decrease of about 8,000. In the article of malt there is also a diminution; for which I confess I cannot precisely account; for the quantity of beer charged with duty has considerably increased, and I do not know how to reconcile the facts of an increasing consumption of beer, and a decreasing consumption of malt. Perhaps it arises from the different periods of payment, which prevented the duty from coming into the Exchequer at the same time as last year; in addition to which it is perfectly well known, that the barley-harvest was not a very productive one, and that the prices during the latter part of 1823, were not so low as they had been for the last two or three preceding years. These circumstances may in some degree account for the diminution of the duty on malt, as compared with the preceding year; but the receipt under that head still considerably exceeds what it was in some of the antecedent years. On paper there has been an increase; as also on pepper, and on printed goods; on salt a very large increase; on soap and starch an increase; on British spirits there has been a considerable diminution, as I before explained; but an increase on Irish spirits imported into England; on foreign spirits an increase; on tea, tobacco, snuff, wine, wire, stone bottles, &c. an increase. So that it appears, Sir, that in the long list of exciseable articles, there are not more than four in which any diminution of consumption has taken place, while in all the others there has been a very considerable improvement. And be it observed, that whilst there is an increase in the consumption of last year, beyond that of 1822, the consumption or that year itself exceeded the average of the three which immediately preceded it. I am justified therefore in assuming that there is a gradual and progressive increase of consumption; indicating beyond all possible doubt the truth of what was stated in the speech from the throne, at the commencement of the present session,—that the country is in a state of unexampled prosperity.

The next item, Sir, to which I shall refer, is the Stamps. I took them last year at 6,600,000*l.*; and they produced 6,800,000*l.* It is not perhaps a matter of great importance, but at least it tends to shew an augmented activity, and an increasing diffusion of business in the country. The taxes, including land and assessed taxes, I took last year at 7,100,000*l.*; the actual receipt was 6,200,000*l.* This deficiency of nearly a million, I am very far from grudging, as it arose from a measure which I believe gave universal satisfaction, and afforded very general relief,—I mean the repeal of a large portion of the assessed taxes. The post-office which I had estimated at 1,400,000*l.* produced somewhat more than that sum. The last head, namely, the various items under the title of miscellaneous, which it is exceeding difficult at any time accurately to estimate, I had taken at 600,000*l.* They produced considerably more, principally occasioned by the payment on account of the Austrian loan. And this, Sir, is a subject on which I confess I wish to address a few observations to the Committee.

I believe that when the subject of the Austrian loan was discussed in this House on former occasions, there were very few individuals who expected that this country would ever enjoy the repayment of even a portion of it. Indeed it is but fair to say that it was a question by no means of easy adjustment. For, although it is perfectly true that we had an undoubted legal right to sell the bonds of his imperial majesty in the market, and get whatever they would fetch, yet, considering all the circumstances that have occurred since the money was borrowed, I do not think that, in point of equity, we should have pressed too heavily on Austria, if we had required the repayment of the whole sum. But although, as I have already observed, few persons in this country supposed that any part of the sum would ever be repaid his majesty's government were more sanguine in their expectations; because they knew that the emperor of Austria felt that his personal honour was concerned in bringing the affair to a satisfactory adjustment; and becase they knew that they had to deal with a sovereign who, whatever had been said of him (and I have heard some very hard things said of him in this House), is as good and honourable a man as ever lived: nor do I believe there is to be found on any throne a more virtuous character. It is true that he has what we, living under a free government, may consider the misfortune, to rule over a country in which the people are subjected to the absolute rule of the monarch: and it is not unnatural that, as he is called upon to exercise the powers of government under institutions so different from those under which we have the happiness to live, acts, which may in fact be merely the result of those institutions, should at times appear to us in a less favourable light. But surely this is no reason for loading him with personal imputations, more particularly when it is to his personal sense of honour that we are indebted for the satisfactory arrangement that has taken place. That he had great difficulty in executing that arrangement no man can doubt; in the first place, it is not likely that the finance minister of Austria would be particularly desirous of handing over to this country a large sum of money, which he must have found it impossible to raise without pressing severely on the interests and resources of his own country. Nor is it probable that such a proceeding would be very popular in that country, where the people cannot be expected to enter nicely into those considerations of personal honour which led the emperor to make so considerable a sacrifice. So that upon the whole, I think we may justly look upon the arrangement which has been made, as highly creditable to the character of the emperor of Austria; although by those who know less of his imperial majesty than we did, it may be considered as a Godsend.

I have now, Sir, explained to the Committee all the circumstances which appear to me to arise out of a review of the finances of this country in the last year; and I must now beg the Committee to accompany me in my estimates for the present.

I take the Customs of this year at 11,550,000*l.*; being an advance of 50,000*l.* upon their produce in the last. I state the probable increase only at this sum, because I think that it would be very imprudent on my part to be too sanguine. I therefore found my calculation, not on any anticipation of increase in the gross revenue of the Customs, but on the diminution in the charge of its collection by the consolidation of the Customs in the three parts of the kingdom. This saving has been produced by the ready adoption on the part of the government of those changes which had been recommended by that useful commission, at the head of which is a right honourable friend of mine near me (Mr. Wallace); and the labours of which I mean shortly to ask of parliament to prolong; being sure the House will agree with me, that in the execution of the very difficult task entrusted to them, the members of that commission have acquitted themselves so faithfully, zealously, and honestly, that the country cannot yet dispense with the benefit of their services.

The Excise I take at 25,625,000*l.*, being rather more than the actual produce of last year. I ground this increase on the probable absence, during 1824, of those causes of deficiency which I have already explained to the Committee as affecting the produce of 1823, by the payment of the drawback on the stock in hand of malt, and by the temporary postponement of the Hop duties, to relieve the existing pressure. I will not now enter into any minute calculation of detail with respect to these various items, which, however, I am perfectly ready to explain whenever required; but I repeat, that I think I may venture to estimate the produce of the Excise duties for the present year, without any danger of over-rating it, at 25,625,000*l.*

The Stamps I take at the same sum as last year, namely, 6,800,000*l.* The assessed and Land Taxes I estimate at 5,100,000*l.* In making that estimate, I proceed on the calculation that the assessed and land taxes of Great Britain in the years 1820 and 1821, prior to any reduction of the former, averaged 7,510,000*l.* Since that period a reduction has taken place of 480,000*l.* in the agricultural horse tax; and of 2,216,000*l.* in the assessed taxes; making together 2,696,000*l.*; and if that sum be deducted from the 7,510,000*l.* which was the average produce of the assessed and land taxes of Great Britain in the years 1820 and 1821, it will leave, as the probable future produce of this branch of the revenue, the sum of 4,814,000*l.* In the present year, however, I have taken it at rather more, in consequence of an arrear of 300,000*l.* which is yet to be received. The post-office I estimate at 1,460,000*l.*; the miscellaneous resources of income at 730,000*l.* On neither of these points does any explanation seem to be necessary. There is next the repayment of 1,500,000*l.* on account of the Austrian loan, to be received in the present year; and 4,620,000*l.* from the trustees of half-pay and pensions: making the whole of the estimated receipts for the year 57,385,000*l.*

The next point to be considered is, the estimate of the expenditure. The first portion of it consists of charges on the consolidated fund of a permanent nature, amounting to 38,057,654*l.*, including 5,134,458*l.* for the sinking fund. The next portion consists of the supplies to be voted. It does not seem to be necessary that I should make any remark on that part of the supplies which has already been voted by parliament for the army and the navy; or on that part which it is probable will be voted for the Ordnance. It is sufficient for me to say with reference to these items, that the House of Commons has already, by a large majority, given its sanction to the two former; and that I have no reason to suppose there is any thing in the Ordnance estimate, which when that grant comes to be proposed, will lead to a different result. On the contrary, I believe it will be found, that every reduction has been made in that department of the public service, which it will bear without impairing its real efficiency. But to the next item of the supplies, under the head of Miscellaneous, I beg shortly to call the attention of the Committee.

I have already adverted to the unexpected treasure that has found its way into the Exchequer, through the medium of the arrangement which has been made respecting the Austrian loan; and I cannot anticipate that the Committee will object to avail themselves of this treasure, for the purpose of effecting certain objects of great national importance. I am persuaded, that they will not grudge to the State this opportunity of meeting some expenses, not of ordinary occurence, but which it would have been difficult to meet under ordinary circumstances.

The Committee are aware, that a few years ago, an act passed, enabling certain commissioners to apply the sum of 1,000,000*l.* in the building of Churches. That this was a great national object, no man who values the church establishment of this country, and considers its close connexion with the constitution, can deny. In fact, it was a proposition which met with scarcely any hostility, and which was sanctioned by a large majority of the House. That the measure was right in itself, there can be no doubt. No doubt, the dispensation of that sum has been faithfully and wisely administered; and as little can it be questioned, that it has been productive of great public advantage, by furnishing to many of our countrymen in the humbler walks of life, the means of attending the service of the national church;—means which, in consequence of the great increase of our population, were absolutely non-existent in many most extensive parishes. Although, however, great good has been accomplished in this respect, much remains to be done; and, in my opinion, there cannot be a more important object, or one more befitting the parliament of a great and a religious country (which this is), than to apply a portion of the funds which we have derived from unexpected sources, to the extension of the benefit which I have described. It is my intention, therefore, to propose, in the course of the present session, a grant of 500,000*l.* for that purpose. The manner in which this proposition seems to be received by an honourable gentleman opposite, (Mr. Hume), does not surprise me, remembering, as I do, the light in which that hon. gentleman has always viewed the church establishment of the country; but I am nevertheless sanguine enough to believe, that the House at large will be perfectly willing to sanction the grant, whenever it may fall to my lot to propose it for their consideration.

There is another national object, to which I own it seems to me to be very desirable that some part of this money should be applied;—I allude to that grandest and proudest residence of the sovereigns of this country,—Windsor Castle. I believe that the people of this country, who love Monarchy,—I mean constitutional monarchy,—and who take a pride in every thing which contributes to the real dignity of their sovereigns, will not consider it either inconsistent with their interests, or repulsive to their feelings, if a portion of the money in question should be applied to repair and embellish that noble and venerable structure. Let not the Committee suppose, that either his majesty himself, or his majesty's government, have any wish to expend the public money without due caution. But on that object I must state in the first place, that Windsor Castle having so long ceased to be the residence of the Court, stands in absolute need of an extensive repair.—Some charge must therefore be necessarily incurred on that head. But it also appears to his majesty's ministers, that, in order to provide adequately for the comfort as well as the dignity of the monarch, some alterations in the building are material, as well as some addition to the domain by which it is encircled. So far, however, from there being any disposition to lavish the money, which it is proposed to apply for this purpose (as the gestures of some hon. gentlemen opposite seem to indicate), it is the express desire of his majesty, that the direction of the expenditure shall not be under the sole control either of himself, or of any department of the government; but it is his majesty's desire, that a commission should be appointed for that purpose; and although I am not yet prepared to state, either the names of the proposed commissioners, or the extent of their powers, I can venture to say, that it will be appointed on the principle of selecting individuals without reference to the parties which divide this House; persons of acknowledged honour and integrity, whose character and qualifications will afford the amplest assurance, that the money will be laid out in a way that will do them and the country credit. The sum which it is intended thus to apply in the present year, is 150,000*l.*; and the same sum in the two following years; that is to say, 100,000*l.* in the first, and 50,000*l.* in the second of those years, making altogether 300,000*l.*

There remains another object, to which I now wish to draw the attention of the Committee; and I think its propriety rests in some degree upon the same principle as that which I have already laid down, as applicable to Windsor Castle. In the course of the last session, during the discussions which took place on the munificent gift of the king's library, and on the building which was to be erected for its reception, I think a very general feeling prevailed in the House, that, under the present improving circumstances of the country, we ought not to be niggardly in matters that regarded the promotion of the arts. As a mere question of money, I do not say that objections may not be urged against any such proposition as that which I am about to submit to the Committee. But taking a more enlarged view of the subject, looking at the intimate connexion of the arts, with all that adorns and ennobles man's nature, it appears to me to be consistent with the true dignity of a great nation, and with the liberal spirit of a free people, to give a munificent encouragement to the support and promotion of the Fine Arts. There being a fund, out of which such an object might be accomplished without any immediate pressure on the resources of the country, his majesty's government felt, when a short time ago an opportunity presented itself, of procuring by purchase a splendid collection of valuable pictures, that many motives of a high and liberal policy invited us to take advantage of the opportunity, for the purpose of laying the foundation of a National Gallery of works of art. Accordingly, a negotiation was opened with the representatives of the late Mr. Angerstein, which terminated in an agreement for the sale to the public of these pictures, for the sum of 57,000*l.* I have already stated the principle on which his majesty's government recommended this grant; and I have not the smallest doubt, that if a National Gallery had existed in former times, the liberality of individuals would long ere this have furnished it with as fine and beautiful specimens of art, as can be found in any part of the world. Unless, indeed, I am much mistaken, there is a valuable collection at present in the possession of a high-spirited individual*, of acknowledged taste and judgment, which through his liberality, would be likely to find its way to a National Gallery. Should this prove to be the case, I am sanguine in my hope, that the noble example would be followed by many similar acts of generosity and munificence: the result of which will be, the establishment of a splendid Gallery of works of art, worthy of the nation;—a Gallery, on the ornaments of which, every Englishman who paces it may gaze, with the proud satisfaction of reflecting, that they are not the rifled treasures of plundered palaces, or the unhallowed spoils of violated altars.

These are the three leading items, for which his majesty's government conceive that it is reasonable to ask parliament to grant special votes, arising out of the special resources which are now at our disposal. If the House should sanction the expenditure which I have thus proposed, the surplus left on the years 1823 and 1824, will amount together to about 2,763,000*l.* But before I proceed to explain to the Committee, the view which his majesty's government take of the mode in which that surplus ought to be rendered available to the public service, I feel it my duty to bring under their consideration the matter, to which the present Committee more particularly refers.

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* Sir George Beaumont.

The Committee must be aware that the state of public credit is such, as very much to reduce the interest of money. Looking to the situation in which the country stands with regard to her foreign relations, and finding that there are no visible, nor, as I believe, invisible grounds for apprehending any interruption of the tranquillity which now exists in Europe, it becomes the duty of his majesty's government to endeavour to avail themselves of the present low rate of interest, for effecting some reduction of that branch of the public expenditure which is connected with the portion of our debt on which a higher interest continues to be paid;—I allude to the 4 per cents. The amount of this stock, in England and Ireland, is about 75,000,000*l.*; on which, therefore, the annual charge at present is 3,000,000*l.* And it is material to state how the law stands with respect to it,—as that law differs in some essential points from the law respecting the 5 per cents; of which, under the sanction of parliament, the interest was reduced two years ago.

In the case of the 5 per cents no obligation was imposed upon government of giving notice to the holders of the stock of the intention to pay it off. The consequence was, that it was competent to the House to take the course which they did take; and to enact that all persons who did not, within four weeks after the passing of the bill for that purpose, dissent from the option given them of receiving 4 per cent stock instead of 5, should be liable to be paid off. On that occasion, it was very easy to adopt the principle of requiring the dissent of the stockholder instead of his assent; and every body knows the success with which the measure was attended. But with regard to the 4 per cents the law is different; for it is specified in the act, that parliament shall give six months notice to the holders of the intention to pay them off. If, therefore, we were to apply the principle of dissent to the reduction of this stock, six months must of necessity elapse before we could know what money would be necessary to pay off those holders—who, speculating upon the possible change in the rate of interest to which money might in the interim be liable, might not be disposed to become parties to the proposal of exchanging one description of stock for the other. What I propose therefore is, that notice shall be given of the intention to pay off (in a certain proportion and at six months from the notice) all the holders of 4 per cent stock, except those who, in the course of six weeks from the date of the notice, may consent to receive 100*l.* of 3½ per cent stock, for every 100*l.* of 4 per cents, and that the proportion to be paid off, shall be a third of the remainder, or a third of the whole, supposing none of the holders to express their assent to the exchange. I will illustrate what I mean by an instance:—supposing a third of the holders to assent to the exchange of stock, there would remain 50,000,000*l.* of 4 per cents, of which I propose that one-third shall be paid off. If none of the holders should signify their assent to the exchange of stock, then a third of the whole 75,000,000*l.* of 4 per cents will be paid off in the same manner. In the latter event, the sum required for the purpose would be 25,000,000*l.*; in the former between 16,000,000*l.* and 17,000,000*l.* I ought also to state, that to induce the holders of 4 per cents to accept the 3½ per cent stock, instead of being paid off in money, it is intended that the 3½ per cents, so created, shall not be liable to be paid off until five years from the 10th day of October next.

It is impossible, as the Committee must be aware, to expect to accomplish an operation of so large an extent, unless some advantage be held out to induce the numerous individuals interested, to accept the proposal made to them; and I confess it appears to me, that the best mode of offering this advantage is by the obligation not to pay off the stock at an earlier period than that I have mentioned. This I think much better than giving any thing of the nature of a bonus in money or in additional stock; because if the bonus were in the shape of money, the progress of the sinking fund would be interrupted; and if it were in the shape of stock, an inconvenient addition would be made to the nominal capital of the debt.

In the case of guardians, trustees, and persons absent from the kingdom, it is intended to propose that the same time, or the same proportional time, shall be allowed as was allowed on the reduction of the 5 per cents. Assuming, then, that this plan is successful, the result of converting the whole of the 4 per cent stock into 3½ per cent will be an annual saving of ½ per cent on the interest of 75,000,000*l.*; or 375,000*l.*

On the presumption that parliament will think fit to sanction this measure, I will now beg the Committee to accompany me a little beyond the present year; and see, on that supposition, how we are likely to stand at the end of the year 1827. I wish to carry the attention of the Committee to that point, not because I flatter myself that it can be in my power to calculate with prophetic precision the state of our finances; but in order to show generally what that state may be, if we remain at peace during that period.

I say, then, that at the end of the year 1827, we may be presumed to stand in point of revenue at least as well as we do at this moment. But it is not extravagant to anticipate progressive improvement. We may reasonably expect such a result to follow from a progressive increase of the wealth and productive industry of the country; whereas, if the unfortunate contingency of war should occur, and necessarily derange our present calculation, then parliament will, as it has done on former occasions (and never in vain) have to appeal to the public spirit of the nation for those exertions which may be necessary to carry us through the difficulties which we might have to encounter. Anticipating, however, no such interruption of the public tranquillity, I think it will be advantageous for us to look at the prospects of the country beyond the mere year which is under our immediate review, in order that we may be better able to judge of the policy which it is wise to pursue, that we may proceed on sound principles, and that we may avoid those rash and precipitate resolutions, which, injurious as they are to private individuals, are doubly injurious to public communities.

I assume the statement which I have made of the probable revenue of the present year, as the basis of my calculation of the probable revenue of the three following years. I do not think that it is necessary for me to trouble the Committee with a repetition of all the figures of that calculation, as I anticipate that most of the various items through the years 1825, 1826, and 1827, will be nearly the same as those of the present year. I take the Customs, however, in the year 1825, at 11,700,000*l.*; and in the years 1826 and 1827, at 11,750,000*l.*; being an advance, in the first of those years of 200,000*l.*, and in the last two of 250,000*l.*, over the actual receipt of the last year. I will explain to the Committee whence I expect that advance to accrue.

I have already observed, that I calculate in the present year on an increase of 50,000*l.* in consequence of the diminished expense in the collection of this branch of the revenue; but there are other items of charge which intercept a part of the revenue in its progress to the Exchequer, and on which I mean to propose a reduction. These are, certain bounties, which, for a considerable number of years have been renewed, from time to time, as in the view of parliament their continuance has been thought necessary, or as the interest of the parties concerned has induced them to urge it. I more particularly allude to some bounties on the whale fishery, which amount to 50,000*l.* per annum, and which will expire of themselves in the course of the present year. Looking at this bounty with the best attention I have been able to give it, and strengthened in my own opinion respecting it by the assistance and advice of my right hon. friend, the president of the board of trade (Mr. Huskisson), I am convinced that it is utterly unnecessary. It is impossible that such a bounty can be indispensable for carrying on the fishery; for the sum of 50,000*l.* bears so small a proportion to the immense general expense of such undertakings, that it is really absurd to go on with so exploded a system; the effect of which must be as insignificant, as the principle is impolitic. I do not mean, therefore, to propose the renewal of this bounty.

There are other bounties, which I propose to deal with in the same way, on the curing of herrings, and fish of different kinds. It may have been very well to give such bounties years ago, when British fisheries were less advanced than those of other countries; and when some such premium was necessary to enable us to cope with our rivals in the market.

But that is not the case now. Our herring fisheries have gone on increasing every year, until we are able to meet our ancient competitors, the Dutch, in all the markets of Europe. And we have done this, I am convinced, not in any degree in consequence of the bounty, but because it has been the interest of the fishermen and the curers, to pay more attention to the details of their respective occupations, and to use that care and skill which alone could give them a solid advantage. Such being the case, I propose that these bounties also shall die a natural death; by which an annual saving of 70,000*l.* will be effected.

There is another class of bounties, on the exportation of some of our domestic manufactures, which, whatever may be my opinion of their inutility and impolicy, I have always been disposed to touch with a delicate hand:—I allude to the bounties on the exportation of linen. I know how strong a feeling exists on this subject in Ireland; and I am aware of the right which the Irish manufacturer has, to expect, that parliament will do every thing reasonable to protect the staple manufacture of Ireland; and indeed to encourage every species of industry in a country, where one great cause of the lamentable situation in which it is placed, is a want of employment, and the consequent absence of that general good understanding which is always found to exist in an industrious and occupied population. I am anxious, therefore, to approach the subject with great tenderness, although I cannot shut my eyes to the utter inutility of the bounties to which I have alluded. I wish the gentlemen connected with Ireland to recollect, that if we give a bounty on the exportation of the manufactured article, exceeding in amount the duty on the raw material of which it is composed, we in effect invite the governments of other countries to tax that raw material, in exact proportion to the bounty which we give on the manufactured article; so that we tax ourselves for the benefit of the Exchequers of foreign states. Let us not believe, that we are the only people in the world possessed of common sense; that other countries cannot see their own interests as well as we can see ours, or will fail to avail themselves of our shortsightedness. I am convinced, therefore, that these bounties are not only useless, but mischievous. But I shall not propose an immediate and sweeping abolition of the whole of them. What I mean to recommend is, that the bounties on the exportation of linen of an inferior kind, up to seven-pence a yard, shall cease immediately; and that the bounties on the higher descriptions of linen shall decrease ten per cent generally, until, by this gradual course, the whole shall be abolished. By the determination of these bounties, a saving of 100,000*l.* a year will be effected; and I am sure that in giving the revenue this benefit, we shall not only do no harm, but do positive good to that manufacture, of which those bounties have been erroneously supposed to be the main support.

As to the other items of the revenue, the Excise, the Stamps, and so forth, they do not require any particular explanation; except, that I do not think it prudent to calculate for the next three years on any increase of revenue arising from an increased consumption of exciseable articles. Not that I have any doubt that an increase of consumption will take place, but because I do not consider it wise, in a matter of such importance, to make my anticipations, however confident, the ground of financial calculation which might possibly lead to disappointment.

With regard to the expenditure of the years in question, I beg leave to make a few remarks. My estimates of that expenditure are so framed, as to be quite safe from the danger of presenting too sanguine a view to the House. I know it has been supposed that on paper, and with figures, a chancellor of the exchequer can always produce what results he pleases. Possibly that may be the case. I do not wish, however, to adopt such foolish policy. If it has ever been resorted to (which I do not mean to admit), it is in my opinion much to be lamented, and is by no means deserving of imitation. I have no disposition to indulge or excite extravagant expectations; and I have therefore calculated the expenditure of the years 1825, 1826, and 1827, at the same rate as the expenditure of the present year, except as far as it may be affected by the natural decrement of life amongst those whose half-pay and allowances constitute so large a portion of our present charge, and except as regards the miscellaneous votes, in which I assume a progressive diminution. The actual expenditure of every year will of course be determined by parliament as the year comes round; but, taking both that and the revenue at the amount which I have calculated, the result is, that there will be at the end of that period a total surplus to the following extent:—In the last year, the surplus was 1,710,985*l.*; in the present year, I estimate it at 1,052,076*l.*; in 1825, at 372,346*l.*; in 1826, at 477,346*l.*; and in 1827, at 522,346*l.* Adding all these sums together, it appears that at the end of the year 1827, we shall have a total surplus of 4,135,099*l.*— The next question, Sir, is what we shall do with it? I think we may do a great deal of good with it. I am sure if we can, we ought; and I have no doubt the House will be very ready to support me in carrying into effect any good of which I can show the practicability.

That which, at the first blush, seems the best mode of dealing with this surplus, is to allow it to go to the reduction of the debt. This would be the most immediate and obvious method of disposing of it. But there is no man who looks at the state of our revenue, and at the consequences which have followed from the accumulation of our immense taxation, who must not feel, that it is the obvious duty as well as policy of parliament, to avail themselves of every fair occasion to revise that system of taxation; to endeavour, by acting on sound principles, to relieve, whenever it is practicable, the pressure on the people; and to place the commerce and revenue of the country, and consequently its power, in such a condition, that if, unhappily, we should be surprised by war, it should be found no light matter by any other nation to grapple with us. It is my intention therefore to propose, that we should make use of the surplus which has accrued, and which will accrue, as the means of commencing a system of alteration in the fiscal and commercial regulations of the country, which I believe will, at its very outset, be attended with immense benefit, and which I am convinced, if wisely applied and steadily persevered in, will leave us, at the end of the four years to which I have confined my observations, in a still more flourishing condition than that in which we are at the present moment.

The first article, Sir, on which I propose a reduction of duty, is one which has already, in some degree, though incidentally, attracted the attention of the House. I do not promise that I can do a great deal with respect to it; but I will do all that circumstances will allow. The committee will recollect, that at an early period of the session, when I proposed to the committee of ways and means a vote with respect to certain annual duties on foreign spirits, a question arose as to the duty on rum. Two hon. gentlemen, the hon. member for Bristol, and the hon. member for Aberdeen, both strongly urged me to reduce the duty on that article; the hon. member for Aberdeen indeed saying, that on the bringing up of the report of the committee, he would propose an amendment to that effect. I did not think it consistent with my duty, to explain at that particular period what were the views of his majesty's government on the subject. I thought, also, that if a reduction were to be made in the duty on the article, that was not the best mode of making it; and that it was desirable to make it on the permanent, and not on the annual duty. I therefore abstained from giving any answer to the hon. gentlemen; not because I wished to act uncourteously to them, but for the reasons which I have just stated. I will now, however, observe, that it is my intention to propose a reduction in the duty on rum, so as to relieve it from one of the peculiar difficulties under which it labours, by reducing that duty to the level of the duty on British spirits. No one, I presume, can think it desirable to reduce the duty on rum lower than the duty on spirits produced by British distillation. All that can be done with propriety is, to put them on the same footing. I propose, therefore, to make a reduction of one shilling and three-halfpence a gallon in the duty on rum. I am aware, that there are circumstances connected with the practice of levying the duty according to the strength of the spirit, which may prevent our bringing the two descriptions of spirits to exactly the same point of equalization. But then it ought to be recollected by those who are interested in the question, that the distillers of British spirits are also liable to the malt duty; so that I believe, when the whole is taken together, the difference between these two interests may be considered as fairly balanced by the proposed reduction. Whether or not this diminution of duty will have any important effect upon the dealings in rum, I do not know.—It may be said, that it will not do much for the West Indies. Perhaps not. But I know that the reduction is sound in principle; and I am always ready to adopt a measure that is sound in principle, even though I do not anticipate any extensive benefit from it in the first instance, because I am satisfied that its result cannot be bad. A measure sound in principle may, or rather it *must* ultimately lead to good. If we cannot do all we would, let us do all we can. Let us give to the agriculturists of Jamaica, and the other West-Indian colonies, the relief in the market, which is not only justified on general principles, but called for by their peculiar and pressing wants at the present moment. Without troubling the committee with the grounds of the estimate, I shall merely state, that I calculate this reduction of duty will cost the revenue about 150,000*l*.

The next duty I shall mention, is one of which we have heard a great deal in the present session. We have heard a great deal of it this evening from a worthy alderman, one of the representatives of the city of London, who pressed upon us, very earnestly and naturally, the severity with which it is felt by his constituents:—I allude to the duty on Coals. It is necessary for me, however, to explain myself fully upon this subject; because the mention of the word "Coals" may lead some persons to suppose that I am prepared to repeal the duty on that article altogether. That is not my intention; and I will state to the committee why I do not contemplate so extensive a reduction.

We have heard, Sir, from the hon. member for Staffordshire, and from others, the objections which are felt in the inland parts of the country, where collieries are situated, to any diminution of the duties on sea-borne coals. Now, I will not go so far as to say that if, from the long existence of particular but impolitic duties, various interests have grown up to a magnitude which they would not have attained if they had been left to free competition, we are, under no circumstances, justified in touching those duties, because by so doing we may incidentally injure the interests in question; if that principle were universally admitted, we should never interfere with any evil,—we should never make any improvement in our commercial or financial system. But undoubtedly we ought to take care, at any future period, when we may be imposing new taxes, not to get into such a predicament again; and I hope that such a course will be found practicable. But, Sir, we are now in these difficulties. They have embarrassed us for above a century. This very duty on coals is a tax of long standing; it has been gradually producing the evils which attend it; and consequently we cannot deal with it at once. I do not think it fit and proper therefore to go to the extent of reducing the whole duty. But, Sir, if this duty cannot be entirely dispensed with, it may be advantageously modified. It presses very unequally. If it presses on various parts of the country, it presses with peculiar and unnecessarily aggravated severity on the city of London, and the neighbourhood. The duty on sea-borne coals in the country at large, is six shillings a chaldron; in the port of London, it is nine shillings and four-pence. Now, although I feel difficulty in dealing with the whole duty at once, I feel none in removing that aggravated part of the evil which is applicable solely to the city of London, and to those consumers of coals who derive their supply from the city of London. I shall therefore propose to make a reduction of three shillings and four-pence in the duty on sea-borne coals brought to the port of London; thereby leaving the duty there, the same as the duty in other parts of the kingdom. I believe that this reduction will be very beneficial; and that it will be doubly so if accompanied by another measure, which, as it is founded on sound principles, ought to be carried into effect. The committee are aware that, at present, while on the one hand, sea-borne coals brought to the port of London, are subject to a duty of nine shillings and four-pence a chaldron, on the other hand there is a restriction on the importation into London of inland coals, either by the Thames, or by canals. No coals can be imported into London from the inland parts of the country, by being brought down the Thames, except on payment of a duty of ten shillings a ton, or chaldron, I do not exactly recollect which, but it amounts to a prohibition. With respect to the inland coals which may be brought to London by the Grand Junction and other canals, they are saddled with a duty of seven shillings and sixpence a ton, which is relatively equivalent to the duty of nine shillings and four-pence per chaldron on sea-borne coals; and moreover it is provided that no more than fifty thousand tons annually shall be imported into London in that way. This absurd and unmeaning restriction is perfectly useless; because the duty is so high, that, added to the charges of canal conveyance, it is quite sufficient to prevent coals from being imported in that way; and very little indeed is brought, except what is used by a few individuals as a curiosity. I cannot possibly, therefore, conceive the use of continuing this restriction. As long as the coal-owners who send, and the ship-owners who bring coals to London, are saddled with the heavy duty of nine shillings and four-pence, I can see why they ought not to be exposed to the ruinous competition of inland coals. But, if we give the coal proprietors of the north of England, and the ship-owners, a reduction of more than a third of the duty on sea-borne coals, why should we not abolish this absurd restriction on the importation into London of inland coals; and allow the consumer an opportunity of obtaining them on the payment of a moderate duty? That such a regulation would have a beneficial effect, I can entertain no doubt. It will put an end to the power which those who engage in this trade now possess, in common with all monopolists, to enhance the price of coals beyond their fair value, by stinting the supply, and proportioning it to their own interests, rather than to the wants of the consumer. The coal-owner may have a right to do this; but it is our duty to look after the interests of the consumer, and to say to him, "If you cannot get sea-borne coals, except at a price higher than you ought to pay, we will give you the opportunity of getting a supply of coals, at a reasonable rate, from another quarter." I calculate, Sir, that the reduction of duty will increase the consumption both of sea-borne and of inland coals, so as not to occasion a loss to the revenue to the full amount of the diminution of the duty. According to the present consumption, the reduction of duty which I propose would occasion a loss to the revenue of about 200,000*l.*; but, for the reason which I have just stated, I think we may estimate the actual presumable loss at only about 100,000*l.*

In the earlier part of the observations which I have taken the liberty to address to the committee, I alluded to that part of the question which relates to a more free and liberal system of policy in matters connected with trade. To this division of the subject I will now particularly invite the attention of the committee.

There are, as of course hon. gentlemen are aware, various branches of our trade, which are encumbered, on the one hand with high duties in respect to importation, and on the other hand with a number of restrictions and prohibitions in respect to exportation. Among these is the article of wool. As the law now stands (which law, as far as duty is concerned, is of very recent establishment), the duty on the importation of foreign wool is sixpence a pound; it having been originally a penny. The increased duty was imposed in 1819; not at all, as it has been often but inaccurately stated, and as often denied by my noble friend at the head of the Treasury, and myself, as a duty of protection, but as a duty of revenue. Whenever the parties who are interested in this subject have sought the abrogation of the law, they have always been told, "You have no right to object to this duty so long as you require that the produce of the British wool-grower shall be confined to the consumption of this country." This opinion we have never concealed, either in parliament, or from the persons engaged in the trade; to whom we have invariably said, "If you will consent to the removal of the impolitic restriction (as we consider it) on the exportation of British wool, we will propose to parliament the repeal of the duty on the importation of foreign wool." This proposition led to much communication last year with the manufacturers in different parts of the country. Meetings were held, at which the subject was discussed, and various resolutions were adopted. As may be supposed, some difference of opinion was found to exist respecting it. Some of the manufacturers thought, that the repeal of the duty would be less beneficial to them than the removal of the restriction would be injurious; and therefore were desirous that the matter should be left where it was, and that no alteration should be made. They were anxious indeed to get rid of the duty, but not at the loss of the protection which they fancied the restriction afforded them. But a majority,—I may say a decided majority,—of the individuals interested in the woollen trade, were of opinion that it would be advantageous to them to accede to the proposed compromise, namely, that the duty on the importation of foreign wool should be repealed, and the free exportation of British wool permitted.

I confess, Sir, that on the best and most deliberate view I have been able to take of this subject, I cannot see what reasonable objection there can be to the adoption of this alteration. A part of the plan, therefore, which I shall submit to the House will be, to reduce the duty on the importation of foreign wool from sixpence a pound, which it is at present, to a penny a pound, which it was before the year 1819; and to allow the free exportation of British wool on the payment of the small duty of a penny also; and thus to put them upon a level, keeping the balance even between the two, and sweeping away endless, needless, and, as I think, injurious, statutes of restriction, together with penalties, oaths, and heaven knows what besides, which are exceedingly inconvenient, and can produce no possible good. By these means the whole trade will be put upon a footing beneficial to both parties—the grower and the manufacturer. On that matter I feel none of the apprehensions of evil, which have at times been expressed by both parties. I am satisfied, that the consequence of the change will be a great extension of our woollen trade to every quarter of the world; and it is beyond my comprehension how such a state of things can be otherwise than beneficial to the growers of wool in this country, who supply the raw material. I see nothing but good that can result from the repeal of the duty, and the concomitant removal of the restriction; and I hope, therefore, that in endeavouring to accomplish these objects, I shall be supported by the House. The loss which I anticipate to the revenue from the proposed alteration is about 350,000*l.*

The next proposition to which I wish to call the attention of the Committee is one which I own appears to me to be of paramount importance in this view of the subject; I mean, as relates to the removal of restrictions:—I allude to the trade in silk. The Committee are aware, that at present that trade is thus circumstanced:—there is a high duty on the raw material, and a positive prohibition of the use and consumption of the foreign manufactured article. I will advert to the latter of these considerations first, and ask, where is the advantage of retaining this prohibitory system? Where is the advantage of retaining it, looking at it either with reference to our intercourse with foreign nations, or with reference to our own domestic interests?

For some years past there has prevailed in this country, among our ablest statesmen, and our most eminent writers on political economy, and I may say indeed all men of understanding and reflection, a decided conviction that the maintenance of the prohibitory system is exceedingly impolitic. We have recently made some progress towards the removal of this evil. Are we to stop short? If we do stop short what will foreign nations say, and justly say, of our conduct? Will they not say that we have endeavoured to delude them; that while we have met them with liberality in our mouths, we hated it in our hearts; that the whole end we had in view was to cajole them into the admission of our own manufactures into their territories, while we continued, by adhering closely to an antiquated system, to exclude their manufactures from our territories? If our practice is to be so much at variance with our professions, it is impossible that any credit can be given to the latter. Whenever a foreign state imposes a new duty on any of our manufactures, his majesty's Government, as my right hon. friend the president of the board of trade well knows, are immediately assailed with letters and applications from all quarters, calling upon them to make representations and remonstrances, in order to obtain a removal of the duty; and a train of adverse consequences is predicted, should those representations and remonstrances be in vain. What follows? Our ambassador is directed to state to the foreign court at which he resides, that the new duty is very injurious to British interests, and is viewed by this country in an unfavourable light. The answer made to him is,—"It may be so; but we cannot help it. It is impossible for us to admit your goods without duty, if you persevere in imposing high and prohibitory duties on ours." After such a reply, the British ambassador must make his bow, and retire; discomfited, if not ashamed; for I defy the wit of man to invent an answer which will meet this powerful *argumentum ad hominem* of the foreign minister. Other countries must therefore conclude that we are only endeavouring to delude them; that it is all pretence and hypocrisy on our part; and that we do not really believe there is practical soundness in the principles we abstractedly recommend. I myself am, however, well satisfied that those principles are as sound in practice, as they are in theory; and that we ought to take the first opportunity of adopting them.

There never was a more favourable opportunity than the present for carrying those principles into effect, and for inviting foreign powers to act in conformity to them. It is time to cut the cords which tie down commerce to the earth, that she may spring aloft, unconfined and unrestricted, and shower her blessings over every part of the world. If ever there was a time at which such a policy could be adopted with the most favourable expectations of success, it is the present. Is not our revenue flourishing? Are not our manufactures in a state of universal activity? Is not capital in eager search of the means by which it may be profitably employed? This is, therefore, the finest possible opportunity for the country to emancipate itself from ancient prejudices, and to make a new start in the race for national wealth and prosperity. On these grounds I am anxious to propose the adoption of this liberal system. But, give me leave to ask if there are not many other motives, independent of every consideration of a merely commercial nature, which must strongly increase our conviction of its expediency? In the first place, is it not perfectly well known, that in spite of all the guards and fences which we may place about them, these prohibitions are in point of fact evaded; and thus become the foundation of another system, standing in opposition to the laws and the civil order of the state?

I remember, and I dare say there are many honourable gentlemen who have not forgotten, that when the hon. member for Aberdeen last year produced his Bandana handkerchief, even in this place, and having triumphantly unfurled the standard of smuggling, blew his nose in it, and deliberately returned it to his pocket, I reminded the hon. member of that of which he did not seem to be aware at the time; namely, that there was not a gentleman near him who had not an absolute right to take possession of that handkerchief and export it to a foreign country. This may appear to be a ludicrous view of the subject; but I mention it only as affording a practical illustration of the utter impossibility of carrying our prohibitions into complete effect. Every one who has been on the coast, and has watched the arrival of vessels from the neighbouring continent, must have frequently observed females step out of them, apparently in a state of the most uncomfortable corpulency, who, in time however, and without any surgical aid, were safely delivered of their burthens, and returned to the natural slimness and grace of their own figures. This I believe to be a very common practice; and in fact there is no end to the ingenious devices resorted to, to introduce contraband articles. But, Sir, there is something more. Is it ingenuity alone which is displayed? far from it.—It is too frequently accompanied by fraud, and perjury, and every bad moral consequence. We all know that crime begets crime. A *progenies vitiosor* always spring from it. A man who begins by being smuggler, generally ends with being something much worse. *Nemo repentè fuit turpissimus.* A young man begins, perhaps, by bringing over a piece of silk, as a present to a female friend. This is an act, which in itself is not only innocent, but laudable. But we have converted it by our laws into a crime; and when a man has once accustomed himself to any violation of the law, he will not feel it very difficult to go a step further. He finds that he cannot effect his object without concealment. He must deceive—he must take a false oath—he becomes familiarized with perjury. Having begun by making presents, he discovers that he may turn the practice to his pecuniary advantage;—he smuggles on a larger scale. Finding that he makes a great profit by smuggling gloves, shoes, silks, &c. he is tempted to embark in more extensive, more dangerous, and more criminal speculations. What is the consequence? You must fit out, man, and arm ships. As was observed the other evening in the House, you are absolutely obliged to maintain a navy, in order to keep contraband trade in check: you cannot help yourselves.—Battles, and bloodshed, and murder ensue. All this, Sir, is very melancholy; and it is all for what? For the fanciful notion that it upholds the interests of our silk manufactures! And after all, our silk manufactures are so highly thought of in foreign countries, that at this very moment, where a market is open to the goods of this country, upon equal terms with those of any other, I sincerely believe that British silk goods (at least many descriptions of them) would drive all their rivals out of the field. Now, if this be so, there is not the slightest pretence for saying that to change the system would be to injure our silk manufactures. Let us accompany the removal of the prohibition with a reduction of the duty on the raw material; and there is not a foreign country that will not be glad to take our manufactured silks. I hope, therefore, that parliament will think it full time to throw down this hollow, gilded idol of imaginary protection, and to establish on the foundation which it has so long usurped, the simple and well-proportioned statue of commercial liberty. For this purpose, I shall propose, first, a reduction of the duty on raw silk from the East Indies; and the mention of the East Indies suggests to me another point, on which I wish to say a few words. Every body knows the immense advantages we derive from our commerce with the East Indies. Every body also knows the peculiar circumstances attending that commerce. It is very singular, but very true, that whereas the original staple manufactory of the East Indies was that of cotton goods (for, from the cheapness of labour, and other causes, the finest fabrics were formerly made there), it has now been completely superseded by the cotton manufacture of England. The cottons of India are no longer preferred even by those who, from natural and ancient prejudices, might be supposed likely to prefer them. This change may perhaps in one sense be very beneficial to us; but it has been very severe in its operation upon the unfortunate persons in that country, whose livelihood depended on the sale of manufactures no longer valuable. But, though apparently highly advantageous to Great Britain in one sense, it is, in another, very prejudicial to us. For whatever tends to contract the means of the East Indies to pay for our manufactures, must be in various ways highly detrimental to this country. Every thing, therefore, which tends to give the East Indies new means of bringing their produce into consumption here, must be importantly beneficial; and it is under this impression, that, whilst I would admit the manufactured silks of India at a fair duty, I would at the same time propose that the duty on raw silk from the East Indies, which is at present four shillings a pound, should be reduced to threepence a pound; and that the duty on raw silk from China and Italy, which is at present five shillings and sixpence a pound, shall be reduced to sixpence a pound; and that the duty upon Organzine silk, which is at present fourteen shillings and ten-pence a pound, shall be reduced to seven shillings and sixpence a pound. I shall also propose that all the prohibitions on the importation of foreign manufactured silks be withdrawn, as I trust for ever; and for those prohibitions I shall propose to substitute the following duties:—on plain silk goods in the piece, fifteen shillings a pound; on figured silk goods (which are much more valuable), twenty shillings a pound; and on all other silk goods, thirty per cent. *ad valorem*. I shall likewise propose that shoes, gloves, and other articles of that sort, which every body knows are not now kept out at all, but which, being prohibited by law, are introduced into the country by fraud, be admitted on paying a duty of thirty per cent. *ad valorem*. I am not prepared to say, that with regard to the last-mentioned articles there ought to be no variation in the scale of duty; or that the duty ought always to continue as high as I have stated it; but at all events it is fair in the commencement to let the advantage, if any, be in favour of the British manufacturer. The loss to the revenue by this diminution of the silk duties will, according to my calculation, amount to about 462,000*l*. Without troubling the Committee with the details, I will merely observe, that in my estimate I make a very moderate allowance for the amount of duty which will be received after the proposed change has been carried into effect.

It appears, then, Sir, that the total loss to the revenue upon the various duties which I propose to reduce, will stand thus:—

Rum,	£.150,000
Coals,	100,000
Wool,	350,000
Silk,	462,000
	£.1,062,000

This will be the whole of the annual decrease. If we multiply the sum of 1,062,000*l*. by three, in order to ascertain the loss of the years 1825, 1826, and 1827, and to that add half that sum as the loss which will accrue in this present year, 1824, we shall find that the total loss down to the end of the year 1827, will be 3,717,000*l*. If that amount be deducted from the surplus to which I have before directed the attention of the committee, viz. 4,135,099*l*, the difference in favour of the Exchequer, at the end of the year 1827, will be a balance of 418,000*l*.

Such, Sir, is the extent of the propositions which I mean to submit to the

House. There is, however, one point to which I wish to advert before I conclude, not because it forms any part of my plan, but because it has recently been brought under the consideration of his majesty's government;—I mean, the state of the law with regard to the duty on Salt. Many representations have been made to us that no benefit is likely to accrue to the country from the cessation, on the 5th of January next, of the remaining part of the salt-duty, amounting to two shillings a bushel. It is certainly impossible to suppose, that, as far as the consumer is concerned, this small remaining impost, if it should be continued, would have the effect of inconveniently augmenting the price of the article, even to individuals in the humblest circumstances. I am, therefore, not prepared to deny, that there may be many reasons for not carrying into complete effect the reduction of the salt-duty; although I admit that, beyond all doubt, the faith of government is pledged on the subject. All I mean now to say with respect to it is, that if it should appear to be a general feeling that no evil will accrue from the continuation of that small portion of the duty. I shall not have the slightest difficulty in finding other articles on which a diminution of duty may advantageously be made; a diminution which may be taken as the price of the concession with regard to salt. I do not state it as any part of my plan; but, having received from many quarters, some unconnected with, and unfriendly to, ministers, representations on the subject, I should not act fairly if I did not say, that circumstances may call upon Parliament to re-consider their opinion upon it. But, I am bound, in candour, to repeat, that his majesty's government are unquestionably pledged to abide by the repeal of the remaining duty of two shillings a bushel on salt, if it should be insisted upon.

Sir, I have now, I believe, gone through all the points to which I think it necessary to advert. It cannot but be exceedingly gratifying to the House to find, that after the reduction of taxation which has already taken place during the last three years, amounting to upwards of eight millions, it is in our power to afford a further reduction, of above one million, in the present year. Whether or not the propositions which I have just submitted to the House will be considered by them important and acceptable, I know not; but I trust that they will at least believe, that the utmost care and attention have been bestowed by myself and by the other members of his majesty's government, to frame those propositions in a manner which appeared to us calculated to lead to the most important national benefits. It must be highly gratifying to the feelings of the House, to know that the country is at this moment in such a state of prosperity: with an increasing revenue, decreasing taxation, and a debt in the course of gradual and certain reduction. We see our country daily growing in wealth, in power, and in influence. In wealth, the result of sound policy, and considerate legislation; in power, not abused for the selfish purposes of ambition and aggrandisement, but prompt enough to vindicate the national honour, and strong enough to uphold the national security; in influence, not arising from petty intrigues, or blustering dictation, but from the conviction entertained by other nations of the sincerity of our professions, and the honesty of our conduct;—a conviction which makes them feel that the wealth, the power, and the influence of which we are so justly proud, may be regarded as the tests of steady friendship, and not as the menacing instruments of hostility and rivalry.—Sir, I am not arrogant enough to claim for his majesty's government, still less for myself, the merit of having brought the country into this happy condition. There are many others who are entitled to share that merit with us. I claim it, not for individuals, but for parliament; for that calumniated, that vilified parliament, which we were told was so essentially vicious in its nature and construction, that it was utterly impossible for it to extricate the kingdom from the depression and distress in which it was recently placed. We were confidently told (how truly the result has shewn), that in Parliament there was nothing good; that its counsels were venal, its members corrupt; in short, that unless all were at once turned topsy-turvy, and a new system of representation established, it was impossible that parliament could contribute to raise the nation from its difficulties, and relieve it from its distress. We now see the best, because the practical, refutation of this calumny, as I must always consider it, on the constitution, in the improved state of the country. Parliament may now contemplate with proud satisfaction the result of its own labours. It may look around on the face of the country, smiling in plenty, and animated with, what I hope soon to see, unrestricted industry. It beholds comfort and content, prosperity and order, going hand in hand, and dispensing from the sacred portals of an ancient and constitutional monarchy, all their inestimable blessings amongst a happy, a united, and, let us never forget, a grateful people.—The right hon. gentleman concluded, amidst loud cheers, with moving his first resolution relative to the paying off the four per cent annuities.

Mr. *Baring*, in rising to offer a few observations to the House, said, he could not but in the first place confess, that he had never heard, and he believed there never had been made of late years, so gratifying a statement as that which the House had just heard from the right hon. gentleman. The facts upon which that statement was founded had, no doubt, been most maturely considered, and without a sufficient opportunity for examining the several particulars of which it was composed, it would be very presumptuous in any man to give a hasty opinion upon a topic which was, in every point of view, so truly important. He must, however, at the same time that he cheerfully bore testimony to the satisfactory tenour of the right hon. gentleman's speech, and of the intentions of the government which it expressed, avail himself of this opportunity of stating, that several of the questions which the speech involved, and particularly that which had been last treated of, required the most earnest attention that could be bestowed upon it by parliament. There were one or two points, the prominent nature of which struck him very forcibly, and to which he should now proceed to call the attention of the committee. In the first place, the right hon. gentleman's plan of finance seemed to him to want that certainty in the results, which it was supposed would attend it, and without which no plan of finance could be relied upon, or ought to be entertained. He had no doubt that the intention of the plan was, to preserve the credit of the nation in the best possible manner. It might be, that the multiplicity of its details, rather than any want of clearness in them, had prevented him from accurately comprehending the whole of its bearing; but, as far as he had been able to understand it, it seemed that the supposed increase was hardly to be calculated upon, from the grounds proposed by the right hon. gentleman. In his estimate of the ways and means for this and the last year, the right hon. gentleman had stated that there was a surplus revenue to the amount of 1,710,985*l.* in the former, and 1,520,076*l.* in the latter. Pursuing his calculation, he had supposed that in the year 1825 the surplus would amount to 372,346*l.*; in 1826, to 477,346*l.* and in 1827, to 522,346*l.* and he concluded, therefore, that in the year last mentioned the surplus of the revenue would amount to 4,135,099*l.* And upon this statement he had called upon the House to make a present sacrifice, in the way of repealing taxes, and adopting certain regulations in trade, to the amount of 1,052,076*l.* Now, he thought that the advantages had been too highly calculated, and that the reduction was too rashly made. For example, the right hon. gentleman had proposed to reduce the duty on coals from 200,000*l.* to 100,000*l.*, and had calculated upon the increased consumption to justify so large a reduction. But, even if it should turn out that this was correct, it was obvious that the call for repeal of taxes was not made upon a fair estimate of the annual income, but that the addition of the sum to be received for the Austrian loan had been taken into the account. His objection to the calculation therefore was, mainly, that the reduction of 1,052,076*l.* was intended to be in perpetuity, while the increase of the revenue by which it was proposed to be met, was to depend upon circumstances, the success of which no one could foresee. He thought there was no foundation whatever for the assumed surplus, and therefore that there was nothing to justify the reduction to the amount which was proposed.

With respect to the reduction which the right hon. gentleman proposed in the 4 per cents, it must be remembered, that the measure would be examined out of doors with the most scrupulous accuracy. As it appeared to him at present, he thought it was a greater reduction than the means of the country warranted. There was, moreover, a very considerable mistake in the calculation. The right hon. gentleman stated, that he was by law compelled to give six months' notice of his intention to pay off that description of stock: he proposed, therefore, in compliance with this law, to give notice that the 75 millions of 4 per cents should be paid off in October next, unless within six weeks from that time the persons entitled to it would consent to take the amount of their respective stock at par in the 3½ per cents. The right hon. gentleman, in adopting this plan, should, however, be aware, that unless he previously effected a reduction in the interest of exchequer bills, there would be in the market a fund which would be held against him by the persons entitled to be paid off; because, as soon as the notice should be given, all the persons holding 4 per cent stock would prefer to receive the market price of their stock; and exchequer bills, bearing an interest of 4 per cent, but not being worth more in the market than at the rate of 3 per cent, they would invest their money in that kind of security. He could not, therefore see what advantage the right hon. gentleman expected to gain by his measure. If the right hon. gentleman had reduced, as still he might, the interest of the exchequer bills, then he would reduce the value of that fund, the competition of which, with his proposed scheme, would be so mischievous to the latter. He wished, however, particularly that it should be explained in the committee, upon what grounds it was, that the right hon. gentleman made out that the annual reduction of 520,346*l.* would enable him to reduce the taxation to the amount of 1,052,076*l.*

There was one very important question which had been touched upon—he meant the introduction of foreign manufactures. To the principle of this he had no objection; but it would have been much more satisfactory, if the right hon. gentleman had, at the same time, stated, whether any communications had been had on this subject with other countries, and whether the advantages which the commerce of such countries was to derive from it, was to be repaid by any reciprocal concessions on their parts. He (Mr. B.) did not say, that, even with such reciprocity, it would be expedient to adopt the measure at present: it would require great care and attention before it could be entered upon as rapidly as the right hon. gentleman proposed, lest great injury should be done to many valuable branches of our manufactures. In the first place, the silk-trade would be operated upon by this regulation; and he should not be surprised if very serious consequences were to result from it. Setting aside the alteration which it would make in commercial speculations generally, a still greater inconvenience, he apprehended, would result to the silk-manufacturers. This consideration he did not say should prevent the House from legislating upon the subject, if they thought fit; but it might be well urged as a reason why very great precautions should be taken before it was finally resolved upon. But, not only would the taking off a duty of 30 per cent upon the raw material have a considerable effect upon the manufacturers; the preference which was always given to French patterns, and the superiority of that nation in the art of dyeing, might really do serious injury to this branch of our trade.

While he repeated, that his object in rising had been merely to obtain a fuller explanation of the means by which the right hon. gentleman thought that the certain reductions which he had stated could be effected from the hazardous surplus upon which he calculated, he must, however, say, that the statement of the right hon. gentleman was highly satisfactory; because it would convince the most incredulous of the advantages of the system by which the improvement had been effected, and by which the public credit had been preserved. Even those who had objected to that system—he believed there were none such now, and that they had never been any other than the senseless populace, whose huzzaing at public meetings proceeded rather from ignorance than from a national disapprobation of it—would at length see, that the reduction of the just debt of the country had been brought about by the only honest means which could ever have effected it, and that it never could have been otherwise done, but by shaking at the same time the credit of the nation, and by the sacrifice of principles which ought never to be lost sight of. The country gentlemen, too, of whom, to do them justice, he had never heard one of them advocate the absurd and wicked projects to which he had just alluded, would be gratified to see that their firmness and constancy had enabled them, not only to effect the reduction of the national burthens; but to relieve themselves from those oppressive circumstances which had weighed so heavily upon them. For himself, he looked upon it as a subject of national pride and exultation, that, recovering from a long and expensive war, we were enabled to effect such improvements in the finances of the country, without the violation of any honourable principle, or of those moral obligations by which society was held together. He did not, however, think that, flourishing as the financial condition of the country was, this prosperity could in any way justify the system which had been pursued throughout the late war, and particularly the measures relating to the currency. The recovery, gratifying as it was, had been effected, it should be remembered at the expense of the fortunes of thousands of persons, who had been utterly ruined, and by the dreadful depreciation of the agriculture, by which respectable men had been reduced to beggary, and to breaking stones upon the road side. In no country perhaps, before had so complete a revolution of property been effected by such means; and it would for ever remain an example of the miserable consequences of tampering with the currency, and a warning against it in all future emergencies.

The *Chancellor of the Exchequer* said, he thought he had already explained fully the plan by which he meant to effect the reduction he had proposed; but as the hon. gentleman had not comprehended him entirely, he must have failed in that intention. It would be observed, that in the calculation he had made of the produce of the last year, although he had taken the surplus at its actual amount, he had not estimated any increase of revenue on account of the reduction. In the Customs, also, he had assumed no addition on account of the progressive increase which might be reasonably expected. Nor had he, with respect to the assessed taxes, calculated upon any improvement in those which remained. He had made no such prospective calculation, nor had he, on the other hand, allowed for any increase of expenditure for the ensuing four years, trusting that the addition thereby to be incurred would be supplied by the natural decrement which might be expected to occur in that period. If by any accident not now to be foreseen, that event should happen which would necessarily overturn all calculations—he meant a war, the Government then must rely upon the public spirit of the country to enable them to meet the expenses which it would bring with it. If, however, the tranquillity which at present prevailed should continue, the calculations which he had made would be found, he trusted, quite correct; and, at the end of the time to which they reached, the parliament would be enabled to judge of the operation of this improved system. If any deficiency were then found, it would be the time to supply it; but he thought in the interim he was entitled to assume, notwithstanding the apprehensions of the hon. gentleman, that no such deficiency would be found.

Mr. *Baring* said, he had not at all misunderstood the right hon. gentleman. He thought that the country would be placed in a very dangerous situation, if a war were to break out previous to October, and it were then called upon to pay twenty-five millions. Instead of keeping up a large floating debt as the right hon. gentleman proposed to do, it would be better to employ the money as a sinking fund to purchase the 3 per cents above 90*l.*

Mr. *Ellice* rose to ask the right hon. gentleman a question referring to a particular subject, in which, from his situation as the representative of one of the greatest silk-manufacturing towns in the kingdom, he felt peculiarly interested. The right hon. gentleman had stated, that he intended to reduce the duty on silks immediately. Now, he was afraid, that if the right hon. gentleman carried his resolution into effect, it would occasion the greatest inconvenience and distress amongst the silk-manufacturing population. He perfectly agreed with the right hon. gentleman in the expediency of ultimately reducing the duty; but he protested against any great and sudden reduction which would materially affect the stock on hand. The right hon. gentleman must be fully aware, that the duty on silk amounted to a heavy per centage on the value of the article. There had been made very large sales of silk recently, and some even during the last week; the purchasers upon those occasions would experience a very great loss, if the proposed reduction were suddenly to take place. And, not only would the purchasers of the raw material suffer, but all those persons who had a large stock of manufactured goods on hand. It would be peculiarly unfortunate if the reduction should take place at the present season; because a large stock of goods had just been manufactured for the spring consumption. Under these circumstances, he hoped the right hon. gentleman would declare publicly, that he would consent to postpone the reduction of the duty to some period when it would less seriously affect the owners of the raw article, and the manufacturers who had a large stock on hand. He trusted, at least, that before the right hon. gentleman decided upon a measure of such vast importance to a large class of individuals, he would listen to the representations of the parties interested.

Mr. *Maberly* said, that, according to the computation of the right hon. gentleman, the surplus of the revenue in the year 1823, amounted to 1,710, 985*l*., and in the year 1824 it would amount to 1,052,076*l*. Now, he did not think that the calculation of the right hon. gentleman was correct, inasmuch as the lasts um was made up partly of amount received on account of the Austrian loan. But, saving the error which he had pointed out, it appeared to him that the case of the right hon. gentleman was a strong one. The right hon. gentleman, however, had not anticipated, what any person might well anticipate, namely, an increase of revenue, arising out of reduced taxation and the employment of the people. If the right hon. gentleman could only devise a mode to give employment to the people of another country, if the government could but give encouragement to the people of Ireland —he had no doubt but that in return they would find an increase of the revenues of that country greater than any person could anticipate; and, what was of more value than revenue, the establishment of tranquillity, of public order, and of social happiness. He would not at at that moment say that the taxes which the right hon. gentleman proposed to remit were the best to be remitted, but he agreed in the principle which the right hon. gentleman laid down. It was an enlarged and liberal principle, from which great benefits were likely to result. The right hon. gentleman had exerted himself to reduce the amount of taxation, in a manner likely to produce great benefits to the country. But, at the same time, he was bound to say, that he did not think the right hon. gentleman had been as skilful as he might have been, with reference to the adoption of the best means of reducing that taxation. He would instance the mode of collecting the beer and malt duties: if the right hon. gentleman would act on a more judicious principle in the collection of those duties, he might save to the country 285,000*l*. a year; put an effectual stop to the fraud of mixing beer; and, at the same time, promote the freedom of trade. The tax on beer and malt was one which ought to be reduced *in toto* as soon as possible; because it was a tax which affected the working classes; for those classes were taxed one-sixth more than the higher orders. The right hon. gentleman, whilst he relieved that great class of the people, who on every principle were entitled to greater sympathy than the rich, might rest assured that the amount of the tax would be made up by the increase of consumption.—There was another head of expenditure on which a great saving might be effected—he meant the management of the public debt. If the question were still open—if the government were not bound—he would impress on the right hon. gentleman not to give to the Bank 100,000*l*. a year more than was necessary to give them, of the public money. On looking at another point, he could not but press on the right hon. gentleman a great error into which he had fallen; and for which he had no excuse. He had hoped, that papers would have been laid on the table of that House, respecting a most improvident bargain to which an hon. friend of his had alluded on a former evening, and in consequence of which the country had lost, according to the calculation of his hon. friend, no less than one million and a half in money; but, in point of fact, the loss was greater. He, of course, alluded to the contract for paying the half-pay and pensions. Had that bargain been made on the 2nd of February, 1824, instead of having been made in March, 1823, there would have been a saving to the country of 1,698,000*l*.; for that sum had been actually lost to the country, in consequence of the bargain which had been made. For that error it was difficult to account, as it was impossible to defend it. The right hon. gentleman had no defence to make. He had been over and over again cautioned by the Opposition side of the House, not to commit the error. But their attempts were vain; he would go on; he would throw away the public money. It was impossible to justify the conduct of the right hon. gentleman. Viewing it in every point, the bargain was monstrously unjust: it was unjust with reference to a state of peace; it was unjust with reference to a state of war. If he calculated on a continuation of peace, he had acted with his eyes open, against the most manifest principles of policy; if he apprehended a war, he blocked up the resources of the Bank, and would prevent it from affording that accommodation to the public, the want of which, in a state of war, might prove so detrimental to the public interests. If the right hon. gentleman had proceeded in the plan, and sold the whole of the annuities, the loss to the country would not have been less than ten millions. It appeared to him most extraordinary, that a person, capable of making the statement they had heard that night, could possibly fall into such an error. He could only explain the matter, by taking it for granted, that the right hon. gentleman had not consulted his own good sense, but had been led away by a desire to give the appearance of support to the plans of that miserable financier his predecessor.

Sir *John Wrottesley* said, he rose for the purpose of putting a question to the right hon. gentleman, which affected the interests of his constituents. He wished to know whether the right hon. gentleman intended to allow coals to be brought up by the Grand Junction canal to London, and what was the exact amount of duty they were to be subjected to? He would also put another question to the right hon. gentleman with respect to the four per cents. He understood the right hon. gentleman to say, that an instalment of one-third of the amount of the four per cents was to be paid in October, and the other two-thirds at a fit time. There were, therefore, 25 millions to be paid in October. Now, he wished the right hon. gentleman to explain, in what manner the persons who would be entitled to the first instalment were to be selected from the other holders.

The *Chancellor of the Exchequer* said, he would answer the different questions put to him by hon. members as distinctly as he could, and in the order in which they had been proposed. In answer to what had fallen from the hon. member for Coventry respecting the time when the reduction of the duty on silk was to take effect, his idea was, that the reduction should commence on the 5th of July next. He conceived that the interval between the present time and that period, would be sufficiently long to enable those who had large stocks on hand to dispose of them. At the same time, he felt it necessary to state, that he should not consider himself bound to commence the reduction at that particular time, if, from the representations of the parties interested, it should appear to him to be desirable to postpone the reduction to a later period. His chief desire was, to establish the principle of the reduction of the tax; and it made little difference whether it were carried into full effect sooner or later. He would here observe in reference to what had fallen from the hon. member for Taunton, that it was certainly true that the surplus which he had calculated upon would not be established unless the payment had been made on account of the Austrian loan; but then it should be recollected, that an increase of expenditure had been proposed, in consequence of the receipt of that money. There were some incidental charges this year of a miscellaneous nature, which would not occur in any future year. It would not be expected that he should particularize all these charges which were inevitable; one of them, however, had been occasioned by the operation of exchanging the Irish tokens for the regular coin of the realm, and amounted to about 100,000*l.* Another charge arose out of certain claims on the part of the United States of America, respecting some slave ships. With respect to a question put to him by an hon. baronet, as to the duty on coals; he had not stated the duty on inland coals, but he would now say, that it was his present intention to lay on those coals a duty of 1*s.* per ton. But if, on a more minute examination, it should appear that that duty was too much or too little, he did not consider himself bound to enforce it. What he wished to establish was, the principle, and to lay no more duty on the article than it ought in fairness to bear.

Sir *I. Coffin* expressed his pleasure at finding that the country would soon be relieved altogether from the burthen of the salt-tax; for it was, with respect to the poor, a most oppressive duty.

Mr. *Ellice* said, he was happy to find that the right hon. gentleman was willing to grant the persons interested in the silk-manufacture, time to make those arrangements which the proposed reduction of the duty rendered necessary. An hon. member had asked, how the chancellor of the Exchequer proposed to pay off a third of the 4 per cents in October? Now, he (Mr. E.) thought that the right hon. gentleman had very clearly stated how that operation would be performed. There was to be no selection, but each person was to be paid off *pro rata.* He conceived that the statement which the chancellor of the Exchequer had made that night would impede the operation which he had in view. If the right hon. gentleman had only said that all those holders of 4 per cents who had not come into his arrangement should be paid off, and then had waited to see what would be the effect of this declaration, all would have been well. But the plan laid down by the right hon. gentleman could not be said to be free from embarrassments. He said to the holders of the 4 per cents, " If you don't consent to the alteration of your stock, I'll pay you one-third in October, and at a future period the remaining two-thirds." Now, the holders might refuse, or they might raise objections, or make demands which the right hon. gentleman could not adjust unless he called parliament together in October. He did not mean to censure the right hon. gentleman for the proposed plan; on the contrary, his only apprehension was, that the right hon. gentleman might not be able to attain the object which he had in view.

Mr. *John Smith* said, he gave the right hon. the chancellor of the Exchequer full credit for having given this great and important subject his most serious and attentive consideration, but there was still one weighty and oppressive tax which seemed to have escaped his attention; and upon that ground it was, that he felt it necessary to obtrude himself upon the attention of the committee. The tax to which he alluded was the tax upon law proceedings; or, as it might be fairly called, the tax upon justice. Recent circumstances had induced him to inquire more minutely into the law taxes, which were to be met with at every step, in our different courts of justice, and he felt convinced, that many gentlemen around him were not at all aware of the exorbitant amount to which they extended; or of the injurious effects which they produced upon the peace, the morals and the happiness of a great proportion of the people. For instance, in order to recover a debt of from 3*l.* to 4*l.* you must expend 3*l.* or 4*l.* more in stamps. In many instances, actions were brought which the poverty of the parties did not enable them to defend; and then the law said, " because you are unable to incur the expence of defending an action, you must pay the sum demanded, and the additional expense of allowing it to go undefended against you." He put it to the committee, he put it to the right hon. the chancellor of the Exchequer himself, whether this was a state of things which ought to be allowed to exist? It had been his misfortune, a short time since, in a case of bankruptcy, to have to answer a bill in Chancery, which was at least three feet high, and contained 7,000 folio sheets. Now, he would leave it to the committee to consider what the expence of such a proceeding must be. It was not his intention to trouble the Committee by going into a detail of the various cases of hardship and oppression which had come under his notice, both in courts of common law, and courts of equity, but more particularly in the latter. One case, however, which occurred in a court of equity, he felt it necessary to mention: it was the case of Roe v. Gudgeon. Mr. Roe called upon Mr. Gudgeon, to furnish certain accounts, to which the defendant replied that he could not furnish them, as the production of them would cost him no less a sum than 29,000*l.* [Hear!] Was it fit, he asked, that the most sacred of all our tribunals, the tribunal of justice, should be open only to those who were capable of entering into a large expense? Surely justice, simple justice, should be open equally to the rich and the poor! He would appeal to all around him, whether, at a period like the present, when our prosperity was increasing, and when we were reducing our taxation, we ought not to take care that justice should be open to all, at a less charge than in any other country? A celebrated writer had said, that " justice was that security which government gives to every individual for the undisturbed possession of every thing which a man holds most dear, his property, his honour, his character, and his life." No man of common sense would wish to go to law, under the present weight of law duties; but sometimes he would be compelled to do so, for the preservation of his property, or what was dearer to him, the vindication of his character. Yet it was a well-known fact, that among the labouring classes of society, no man was ever unlucky enough to get into a law-suit without its being predicated by all his friends and neighbours, that he was pretty sure to go to gaol before it was terminated. When he called the notice of the right hon. gentleman to the crying evils of such a system of oppressive taxation as this must be, he requested him to examine whether or no his statements were overcoloured or exaggerated? All he called for was, inquiry. Let the right hon. gentleman only turn his attention to the subject, and he would find that his statements fell infinitely short of the fact. It frequently happened that persons in exalted situations, either from false ideas of dignity, or from attention to other affairs, omitted to consider the situation of the labouring classes of society, as to these matters. It had been held by several gentlemen, that if law proceedings were rendered cheap, it would give encouragement to a spirit of litigation in the country. He believed no such thing. It was said, too, that if the expenses attending law proceedings were diminished, there would be a greater number of suits instituted than there were at present. True; there would: because many persons were at present, obliged to submit to wrongs, because they could not afford the expense of seeking redress. He would venture to say, that there was not a man in that House who had attained the age of thirty, without having submitted to some injury to his property, rather than incur the still greater injury which he must sustain by entering into a law-suit. This was a circumstance of constant, nay of every-day occurrence. It had only happened to himself a few days ago. There were some hon. gentlemen, whom he did not now see in their places, who thought (at least he suspected as much from the language they held) that law expenses were very good and useful things; and their argument was, that no man, for instance, ought to contract a debt, the constant forerunner of legal charges, for that debt was the bane of all private and public happiness, and credit the ruin of those to whom it was given. But such hon. gentlemen knew very little of the state of society in England; they did not seem to know that credit was the basis of our prosperity, and the foundation of all the property in the country. Without detaining the House with further instances, he would only mention that he knew a country shop-keeper who had, at one time, 200*l.* owing to him from some labourers residing in the neighbourhood. They were unable to pay the individual that season; but the whole amount was punctually repaid at the subsequent harvest—so untrue was it, as a maxim, that credit ruined those to whom it was given. —He now came to another point, on which he wished to say a word or two before he sat down. He had heard with the utmost possible surprise, the proposition brought forward by the right hon. gentleman to expend a sum of 800,000*l.*; namely, 300,000*l.* in the improvements and repairs of Windsor Castle, and 500,000*l.* in the building of new churches. [Hear, hear.] Now, while there were any distresses of the poor to be remedied, or any oppressive burthens to be lightened and relieved, so long would he oppose these improvements, and this application of the public money, even if he should stand in that House alone. [Cheers from the Opposition.] When so large a portion—indeed, the largest portion—of the people of these kingdoms possessed not the means necessary to enable them to pay for the expense of justice, he would maintain that it was sacrilege—and he had almost added a yet stronger term—to apply the sum of 500,000*l.* to the building of new churches. Let it be remembered "that mercy was better than sacrifice." Hear, hear.] Let them have some mercy upon their countrymen. Nor could he refrain from observing upon such a proposition as this, that there was something which savoured too much of cant in this continual cry about building new churches. [Hear, hear.] Reverting to what he had already said about the law duties, he was perfectly ready to admit, that they were very productive; that they had brought in large sums to the Exchequer; but their production had been in direct proportion to the misery of the people. He again pressed upon the right hon. gentleman the suggestions he had made, and was confident that when that right hon. gentleman considered the effect of these most unjust duties upon the mass of the people, he would be impatient to repeal them.

Mr. *Calcraft* felt, as no doubt the country at large would feel, much obliged to his hon. friend for having called the attention of parliament to the oppressions caused by the law taxes, to which suitors at law or in equity were subject. They were of a character the most odious and oppressive, and were among the very first evils of taxation, which the people of this country had a right to expect would be now done away with. But he particularly wished to ask the right hon. gentleman what was meant to be done about the repeal of the present duty on salt? The right hon. gentleman had said nothing upon this point that was direct; but had merely thrown out an observation or two upon the increasing amount of the duty. At the same time, the pledge, the solemn engagement that parliament was under to the people was not to be for a moment forgotten: namely, that on the 5th of January, 1825, this tax was to terminate; and he was still of opinion, that parliament ought to redeem its pledge, by taking especial care, that at the appointed time the duty should be wholly remitted. He knew that there were persons who contrived to make their way to the chancellor of the Exchequer, who were not only anxious for the continuance of the tax, but would be glad to see it increased; he knew also, that if this nest-egg was not repealed as promised, it would soon be increased beyond what it was at present. But the persons who so made their way to the right hon. gentleman were interested persons; they were not the consumers. It was, however, on the part of the consumers that he spoke; and he besought the right hon. the chancellor of the Exchequer to consider what would be the effect of breaking faith with the country, with respect to this tax. He hoped that he would at least hear both sides, and that, before he took any step, he would ascertain whether, in the whole list of reductions made last year, there was one which had given greater or more general satisfaction than the reduction of the salt-tax had done. As to the right hon. gentleman himself, he felt the question was safe in his hands; but he knew that there were persons whose object and interest it was, to advise a course of proceeding different from that to which parliament stood pledged. With respect to the various other topics touched upon by the right hon. gentleman in the course of his very long and luminous speech, he confessed that he was not at that moment prepared to follow him; but he could not help saying that, upon the whole, he felt considerable disappointment, and was confident that the public would be equally so. As to the wool-tax, he had no objection to its repeal: but he thought the condition upon which that repeal was to take place, would give rise to great dissatisfaction and apprehension in the minds of the manufacturers. In a word, he had no objection to the repeal, but he disliked the condition upon which it was to take place. The repeal of the coal-tax was a most judicious one: it was as unjust a tax as it was partial and oppressive in its operation. What could be more injudicious than to throw difficulties in the way of a fair interchange of commodities between county and county, and to impose an additional tax upon a great part of the people, solely because they had not the good fortune to live in a county where a particular article was produced at a cheap rate? As to the repeal of the silk-duties, he confessed his incompetence to enter into the subject; but, from what he had heard, he entertained little doubt that the competition to which that trade would be exposed, by the importation of foreign silks now contemplated, would be at first attended with ruinous consequences. If this repeal were to be made upon terms of reciprocity, and a similar repeal were to take place abroad upon some other article, it would be a different matter. He fully agreed with the right hon. gentleman as to the propriety of repealing the tax on the raw material.—That measure would give a spring and elasticity to the trade which it would never have otherwise experienced. He regretted to find, according to the views of the right hon. gentleman, that, up to the year 1827, the country was not to entertain a hope of any further reduction of taxation. This certainly was a most disheartening view of affairs, both for the House and the country. The right hon. gentleman it appeared, had appropriated all that was to be expected from the growing income of the country during that period, to objects which did not embrace any further reduction of the existing taxation under which we laboured. He was sorry to find that this was the case; because it was telling the public, that for the next four or five years they had no further alleviation of their burthens to expect. Why the right hon. gentleman thought it fit to hold forth such a gloomy prospect to the country, he was at a loss to conceive.—He perceived that the sum of 500,000*l.* was to be expended in building churches. Unquestionably no man, who saw the necessity of building additional churches, would, for a moment, think of opposing such a grant. But they ought first to know what had been the effect of the late grant made for that purpose. They ought to inquire, if the million of money granted for that purpose had operated as it was intended it should. They ought to ascertain whether the numerous churches now existing, were fully attended. But he believed, it would be found that there did not exist for buildings of that kind, the demand calculated on by the right hon. gentleman, who proposed the present grant. He would go further, and say, that, according to his opinion, the 500,000*l.* in question, might be better employed, with a view to the morals and happiness of the people, than in building churches. As to the sum proposed to be expended upon Windsor Castle, he felt obliged to differ from his hon. friend who spoke last. If the circumstances of the country warranted the expenditure of such a sum, it could not, he thought, be better laid out. Windsor Castle was a very ancient palace; and every one who knew its present situation must be aware that it would take the greater part of that sum to repair the building itself. With respect to the repeal of the tax on rum, the only objection which, in his view, could be made to it was, that it was too scanty. He should be happy to see the 500,000*l.* expended in aid of the proposed repeal, instead of being applied to the building of churches, which we did not want. He must repeat, that upon the whole the public, he was convinced, would feel, and justly feel, disappointed at the right hon. gentleman's statement; for it certainly was disheartening to reflect, that, notwithstanding the flourishing statements made of the improvement in our agriculture, manufactures, and commerce; and notwithstanding the existing, and expected improvements in our revenue, the people were to look for no further reduction of taxation during the next four years. He agreed with what had fallen from his hon. friend upon the subject of the taxes on law proceedings. They amounted to nothing short of a denial of justice to a large and most deserving portion of the community. He regretted to state, that that tax, together with others which pressed with similar inequality upon a portion of the population, did not meet with that attention from the legislature which their urgency demanded. That the country was improving in prosperity he was happy to find: but those who did not attribute their prosperity, in a great measure, to a reduction of taxation were grossly mistaken. The first object of parliament ought always to be, to diminish the burthens of the people, and to increase their energies. For it was by the energy, the industry, the spirit, and the intelligence of the people, that the country had been able to work its way through its various difficulties, to its present state.

The *Chancellor of the Exchequer* said, that no person was more convinced of the truth of the last assertion made by the hon. gentleman, or had more frequently urged the same consideration on the House. As to the different items which he had selected in his statement, as proper for the purposes of improvement or reduction, it was possible he might have made, out of the number to be considered, a wrong choice. It might seem strange, but experience proved that there was as much difficulty to be encountered in determining what taxes ought to be taken off, as there was in ascertaining what might be put on, with the least possible injury to the public interest. He begged to assure hon. gentlemen, that it was matter of much difficulty to weigh the reasons for repealing one tax, against those which might be urged for the repeal of another. The principle upon which he had acted in the selection he had made was, that the result of his plan would enable parliament to provide the means of effecting, at a future time, a further reduction of taxation; whereas he conceived that the repeal of those other duties and taxes that had been adverted to, if effected, would not leave to parliament the means of future reduction. He begged to assure the hon. member for Midhurst, that the subject he had addressed the committee upon, had not escaped his observation. He was quite aware that there was a degree of oppression about the operation of the law taxes. In balancing, however, one duty against another, he had been led to think it would be more advantageous to begin by endeavouring to effect the other objects to which he had called the attention of the committee, than by attempting the attainment of other ends, which, however desirable they might be, would not enable parliament to repeal other taxes in future. The course he had that night recommended he still considered to be that which would prove most beneficial to the public.

Mr. *Brougham* said, he fully agreed with his hon. friend near him, in thinking that the House and the country had a right to feel disappointment at the financial project just proposed by the right hon. gentleman opposite. But, before he went any further he was most anxious to guard himself against being misunderstood. He begged to assure the right hon. gentleman, that in using the word "project," he meant not to treat with the slightest disrespect the very sound and enlightened statement which he had made to the committee. He gave the right hon. gentleman every credit for his sound and enlightened views upon the different topics alluded to in his speech; but, as many of them had been heard by him and his friends for the first time that evening, he could not of course pledge himself either way upon them. There were, however, several points which had his full concurrence. First, with respect to the repeal of the bounties on the Whale fisheries, and on linen, he thought there could not be two opinions. By this measure, he understood a saving of 170,000*l.* would be made. This sum they gained in a manner to which no individual could object; and it was rendered still more valuable when they reflected, that the bounties, if allowed to exist, could be productive of good to no one branch of society; while, on the contrary, their removal would produce benefit to those branches of our trade, at present affected by them. Then, with respect to the other alterations to be made, much would depend upon the time and manner of their introduction. The repeal of the silk duty would be looked upon as prejudicial to the interests of many, who had at present a large stock of that article on hand;—and he entertained no doubt, that not many hours after the publication of the right hon. gentleman's plan, upon this and other points much alarm would be excited, and extensive claims made on the government. It would, however, be the duty of parliament to keep a tight hand upon his majesty's government, and to act with the utmost caution in the issues which they might deem it necessary to make, in order to carry the proposed reforms into execution. In cases where a country had long persisted in an erroneous system of policy, it frequently became as dangerous to retrace their steps as to proceed. It had been well said, that one of the miseries of a bad system of government or commerce was, that they could not find their way back through former errors, without, during some intervals, doing still greater injury than would have been worked in the same space of time had the old system continued. But, if views of commercial improvement, founded upon such principles as the right hon. gentleman had been stating, could be carried into effect, consistently with the good of the whole nation, it would be the duty of the legislature stoutly and manfully to support the government in effecting them. Reserving his opinion, however, of the proposed measures in the detail, he wished to be understood as at present expressing his approbation of their principles only. His great objection to the project which had been opened to the House was—not as to the repeal of the fishery and linen bounties, for of that he must approve—not as to the repeal of duties which was to be effected on silk, by the taking off the duty on the raw material, and thereby giving to our manufacturer the full benefit of the repeal—not as to the relief of the coal duty, which was called for by so large a proportion of the people, and especially by those of this metropolis and the adjoining counties—not as to the repeal of the duty on wool, accompanied by a prohibition to export the raw material—but his objection, at present was, to one or two points, on which he would offer a few observations to the House. He understood, then, that on the items specified, the right hon. gentleman reckoned that there would be a growing surplus for the present year of about 500,000*l.*, and about double that amount was to be calculated on some other branches of the revenue. Now, this being the statement of the surplus which was to be available to the right hon. gentleman, what were the effects that were to follow upon the execution of his plan? The only advantage that he (Mr. B.) could understand as arising from it was, that coals and silk would be cheaper; wool would not be much affected. Now, the lightening the duty on coals was a very good measure, and would be extensively felt by the poor; but the alteration of the duties on silk afforded no such general relief. Then as to rum; the proposed reduction of duty was not even suggested to be for the relief of the consumer, but only of the producer; and as to any measure which would have a tendency to render ardent spirits cheaper, he confessed he was one of those who would rather support that which should make them dearer, for the sake of public morals. But his anxiety for the West-India interest was of this kind—not that raising the price of a pernicious article would diminish the consumption (for he thought the consumption could not be diminished); but it was, lest the raising its price should only render the article so scarce as to create a contraband trade, and by such means still more effectually injure the morals of the people. With respect to coals—the only other subject on which all persons must be pleased on finding there was to be an alteration of duty—it was to be remembered, that it was a benefit that would not extend to the poor generally, but partially only; to the poor of this city, and of this and some other counties; it being clear that the poor of London were persons, for the most part, better able to pay for this article than the poor elsewhere. He felt, therefore, that however sound the principles were upon which some of these duties were about to be repealed, the application of the surplus revenue that had been spoken of was not such as to justify the public in hoping for any present relief from the pressure of taxes; or to give them any confident expectation, that in the course of a few years any other fund would be realized that would furnish the means of future and increased relief. There was yet one mode of obtaining for the people relief from the taxes that most heavily pressed upon them, which was not noticed in the statement of the right hon. gentleman, but which might be most advantageously resorted to—he meant, the appropriation of some part of the sinking fund. Now, a sinking fund, especially with compound interest, he took to be one of those errors that were, he trusted, daily upon the wane. A very few years, perhaps months would not pass away, before a return to the true policy would sweep away this anomaly: and his majesty's ministers would grant—(grant he would not say, for it would be their duty to extend)—not to the prayers of the people (for it would be their right), the full benefit of those just and sound principles, and that comprehensive policy, the value and necessity of which had been preached so long to them from that side of the House, and had been pressed upon them from out of doors, day after day, by the discussions of better educated, and better informed, and more enlightened persons than themselves [A laugh, and cries of "Hear!"]—Another topic on which he had to remark was, the manner in which part of that sum of two millions and a half, that were to be repaid us by a foreign power, was proposed to be applied. He could not help adverting to what the right hon. gentleman had said with respect to the conduct of the emperor of that country. He had no very accurate recollection of the words, but he did not remember to have ever heard any thing much more severe than what had fallen from the right hon. gentleman at the close of his panegyric—a panegyric to which he was little prepared to hear such a peroration. The right hon. gentleman's observation amounted to this—so highly honourable was this illustrious sovereign—so remarkably correct was he in his pecuniary dealings—so singularly distinguished was he among his brother sovereigns for his exact sense of honour—that the right hon. gentleman could do no less than utter an enthusiastic panegyric for what he called a perfect "God-send;" seeing that this emperor had had the common honesty to pay us 2*s.* 6*d.* in the pound upon the money he had borrowed of us so long ago. From his experience of common honesty (but he would not go quite so far as the right hon. gentleman had done in taking liberties with crowned heads) he was induced to thank God for the bounty which we had received. If he might go further, he would humbly hope, that the effect of the panegyric that had been that night pronounced, would be, to obtain from the same individual—he would not say another 2*s.* 6*d.* in the pound, for that would be too much to hope for—but another 6*d.* in the pound [A laugh!]. Sixpence in the pound seemed, to be sure, a very little sum to talk about; but upon the large debt due to a multitude of despairing creditors, it would be a very considerable amount. As the best sort of gratitude, in the mean time, that he could evince for the bounty of Providence, he would no more vote that the 500,000*l.* should be applied to the building of churches, than he would vote away to the same object the product of the sixpence in the pound if we had it. In saying this, he meant not the slightest disparagement to the established church of the country; nor did he mean to say that parliament would do its duty, if it neglected to provide for the country's religious instruction. Let it be remembered, however, that parliament had already granted a million for building churches; and had granted it with singular unanimity. What was still more important to the present consideration than the absence of opposition to that grant was, the fact that the money was taken from the pockets of the people at a time when they were suffering the greatest pressure of distress, in the year 1817. [Several members "No, no."] He must be allowed to say he believed it was in 1817, that the million of money, for the purpose in question, and without a murmur, had been paid by the patient people of this country. There was not a murmur from any of the classes from whom the money was raised—not even from the Dissenters:

who, of necessity, were excluded from taking any direct benefit in the object of the grant. Now, he thought it would be a most unjust requital, for the candour and liberality, which on that occasion had been displayed by the members of all the religious sects in the state, to seize the first windfall, or "God-send," as the right hon. gentleman called it, and say, that it should be appropriated to the religious instruction of one class of the community,—the same class of the community for whose religious instruction the former million was voted; while the whole respectable and liberal body of Dissenters in the country were to be excluded from any participation in the advantage which was to be derived from the expenditure of so large a sum. On that ground, were he to stand alone, he would oppose such a grant. But he was happy to find, that he should not stand alone. He trusted the proposition would be powerfully opposed in the House, and he trusted it would be powerfully opposed out of the House. He trusted, that those individuals to whom he had alluded would assert their right to participate in the benefits to be derived from so large an expenditure of the public money, and that they would prefer their just claims to a parliament willing to deal fairly by them. Instead of appropriating this money to building churches, especially after a million had so lately been voted for that purpose, how much better would it be, to appropriate it to the building of schoolhouses. He believed that the churches which had hitherto been built had cost on the average about 10,000*l*. It was probable, however that it might be intended to build others on a reduced scale, so that the half million would afford the means of building ninety or a hundred churches. But with the same sum no fewer than 2,500 schools might be erected. There was not a parish in the country which might not be furnished with a school of some sort or other out of that sum. Such a scheme might be most advantageously carried into effect by commissioners chosen from men of all parties; who might be empowered to allow to any parish a sum for building a school, provided that parish would engage subsequently to support it. But, as to the proposition for granting this 500,000*l*. for the purpose of building chapels, after the million that had already been employed in that way, although he might be in a small minority in that House, he was sure that he should be in a large majority out of that House in his opposition to it. He entirely agreed in opinion with his hon. friend, the member for Wareham, on the subject of the salt-tax. The faith of the right hon. gentleman, and the faith of parliament, was pledged with respect to it; and it must, beyond all doubt, be allowed to expire at the period to which its continuance had recently been confined. It was not one of the least recommendations of the abolition of the salt-duty, that one distinct branch of the collection of the revenue would be lopped off with it. Among those other burthens upon the people, to the diminution of which he could have wished the surplus revenue applied, were some of the assessed taxes. With a million of surplus, and with one or two millions drawn from the sinking fund, it would be easy, without diminishing the sum applied to commercial reform, to repeal some of the most oppressive assessed taxes. It would also be easy to repeal that which ought to be considered, not as a mere impost, but as a financial exaction of the utmost enormity and injustice; as a crying oppression contrary to every principle of equity, he meant those duties by which the proceedings in courts of justice were rendered disgraceful, and which militated as much against every sound principle of legislation as they did against every sound principle of finance. The window-tax might most advantageously be diminished or remitted. It was well known that the revenue was in many cases increased, by a diminution of duty on a particular article, and vice versâ. The revenue derived from wine, for instance, had been much diminished by an increase of the duty; and as the converse of the proposition, a diminution of the duty on coffee had been productive of a much larger revenue. From these different sources, therefore; namely, from the million of surplus, from the sinking fund, and from a benefit to the revenue, to be derived from a judicious diminution of the existing duties, means might, he was convinced, be furnished of carrying the right hon. gentleman's sound principles still further, and of affording a large and substantial relief to a people oppressed by burthensome taxation.

Mr. *Hume* said, he was glad of an opportunity of expressing his satisfaction at a great portion of the statement of the chancellor of the Exchequer. The right hon. gentleman, however, had only given an earnest of what he found himself bound to do for the country. He had declared, in an able and candid manner, the surprise which he felt, that the alterations which he was about to propose in our commercial policy had been allowed to remain so long unrepealed; and he had characterised the system which had, for so many years been pursued as something approaching to madness. The right hon. gentleman had also very properly said, that the advantage of the steps which had been already taken in a liberal spirit of commercial policy was so manifest, that parliament ought not to stop; but ought to go on. He begged, however, to ask the right hon. gentleman why he himself had stopped? He entirely agreed with the right hon. gentleman in all he had done. He was sure that all he had proposed to do would answer his most sanguine expectations. All he complained of was, that the right hon. gentleman did not go far enough. The right hon. gentleman had stopped at the half-way house. Did he suppose it would be satisfactory to the public to be informed, that our present large military establishment would certainly remain on the same footing for the next four years, or that, for the same period of time, the aggregate reduction of our taxation would not exceed a million? He was at a loss also to conceive why the right hon. gentleman, while he was giving relief to various classes of the community, did not turn his attention to that most oppressed and suffering class, the West-India proprietors. He might have relieved them, on his own principles, without any loss to the revenue. For his own part, he (Mr. H.) had anticipated a relief in the shape of a reduction of the duty on sugar, of at least 7*s.* per cwt. He was likewise at a loss to ascertain, why the right hon. gentleman did not, by a reduction of the duty on spirits in England, get rid of the half million of annual expenditure for the prevention of smuggling. If the reduction of the duty on spirits had been beneficial in Ireland and Scotland, as the right hon. gentleman asserted, and no doubt truly asserted, why should it not be beneficial in England? On the article of beer, too, why should the lower classes be compelled to pay a heavier impost than the higher? Why was not the tax on that article at least equalized? Why were the rich allowed to drink beer at 25*s.* while the poor were compelled to pay 35*s.*? So also of the sinking fund. Why were we to maintain a sinking fund of seven millions? The only argument in favour of it that had the smallest weight was, that it tended to support public credit. But, public credit was sufficiently good. It was in such a state, that it did not need any extrinsic aid. He thought, therefore, that the right hon. gentleman might fairly avail himself of the whole seven millions of the sinking fund. The relief from taxation, which such a step would afford, would be felt by the whole community. If the partial relief which the right hon. gentleman proposed to afford would be advantageous, what would be the effect of the relief to which he now alluded? He wished to see the home duty on rum reduced to five shillings, and he thought it would be highly advantageous, if the same principle of reduction were applied to salt and coals. If the duties on all these things were reduced, he was convinced that eventually the revenue would gain rather than lose. And although he allowed that the immediate effect of making spirits cheap might be morally injurious, yet it would not long continue so; for it was always the case, with reference to any dear article, that when accidental circumstances enabled the poorer classes to obtain it, they gratified themselves to excess; but as soon as it became easily accessible, it was comparatively neglected. In proof of this, let the usages of other countries be remarked. In France, where wine was cheaper than beer with us, there were no habits of general inebriety. The French were, in fact, a soberer people than the English. All the arguments which the right hon. gentleman had so properly urged, in support of the abolition of the duties on silk, applied with equal, and even with more force to the abolition of the duties on spirits. The same demoralization was occasioned by the continuance of the one, as by the continuance of the other.—The right hon. gentleman, therefore, was called upon, on his own principles, to put an end to the one, as he proposed to put an end to the other. He really thought the people would feel very much disappointed at what was intended to be done. All the assessed taxes ought to have been taken off. The sinking fund ought to be applied to that purpose. The consequence of the existence of the assessed taxes was, that the mansions of our gentry were deserted.

What was it at present that could carry so many of our countrymen abroad? It could not be novelty. That was all over. Let the assessed taxes be taken off, and they would speedily return; the general consumption would be increased, and the whole community would be benefitted. The right hon. gentleman was taking one step where he ought to take ten steps. The sinking fund would also enable government to get rid of that most iniquitous tax on law proceedings, which the hon. member for Midhurst had so justly characterised, and which fell principally on the poorer classes. If all the taxes which he had described were removed, what relief would be afforded to the community! The House of Commons would not do their duty to their constituents, unless they pressed the repeal of those taxes on the right hon. gentleman. How much better would it be, to repeal those taxes, than to buy up stock at a loss of above 20 per per cent.! With regard to the payment made by the Emperor of Austria, he considered it quite monstrous that we should accept this half crown in the pound, as his hon. and learned friend had happily called it. If England were to receive her just payment from Austria, principal and interest, it would amount to twenty-two millions. All that was to be paid, however was two millions and a half! And, instead of relieving the people with that sum, the right hon. gentleman proposed to apply a large portion of it to the building of churches! With whom could such a preposterous notion have originated? He was sure the right hon. gentleman could not look the House in the face and tell them that this was a necessary measure. Of this, however, he was persuaded, that nine persons out of ten in the country would be hostile to the proposition. Many classes of the community could have no participation in the supposed benefit to be derived from it. It was against the right hon. gentleman's own principle. The right hon. gentleman inveighed against partial taxation, and here was partial expenditure with a witness. Really, if ever any public proposition deserved to meet with universal reprobation, it was this. Unless the House refused to accede to the right hon. gentleman's proposition, he should not consider them entitled to the right hon. gentleman's eulogy. He should not consider that they were a calumniated House, if they gave their support to such a partial and unjust measure as that proposed by his majesty's ministers.

Mr. *Robertson* expressed his satisfaction at the course pursued by the chancellor of the Exchequer, which was calculated to give employment to the people of the country, to increase the general consumption, and to improve the commerce, so essentially interwoven with our prosperity as a nation. The taxes selected for reduction had this obvious tendency; and yet the hon. gentlemen on the other side talked as if they had never looked beyond the present hour, notwithstanding the lessons of experience so often placed before them. It was impossible to conceive that circumstances might not arise which would make it the interest of America to oppose this country. Suppose us to be plunged into a war with that or with any other state, the Sinking Fund was not at present in the condition in which it ought to be on the breaking out of a war. It was by protecting that sinking fund, and not by speculating on it, that we should be prepared for any emergency, and give the best excitement to the commercial interest of the country. It was to that fund we owed the keeping down of the rate of interest. And, not only was it calculated, in the various modes of its operation, to excite the commerce and industry of Great Britain, but it had a greater tendency to force capital into Ireland, than all the plans that had been devised on the subject. He therefore concurred in the view which the chancellor of the Exchequer had taken of the subject.

Mr. *Grey Bennet* declared himself ready to avow at present, as he had often before done, that the persons who had changed the currency were those who had committed the robbery. Never was there a measure fraught with so much mischief and fraud as that to which he had just alluded; nor would it be a justification of the conduct of parliament, that because at one period they had robbed the creditor, at another they should rob the debtor. Under this system many persons had been reduced to beggary, not by any fault of their own —not by any of the accidents or misfortunes of life—but by an act of the government itself. It was true, that in many respects, the situation of the country appeared to have improved since the years 1817 and 1818; but it was not to be inferred from thence that we were in a prosperous condition. If the poor-rates had decreased in many parishes, there were few persons, after all, in those parishes who did not require some relief. But, to whatever extent improvement might have gone, it was owing to the zeal, the talent, and the industry of the people at large, and not to the wisdom or integrity of the present administration. It was true, there were not wanting persons who ascribed it all to ministers; but was not this the identical parliament which had opposed the very system now adopted with so much applause? Was not this the identical parliament which had sanctioned the low, petty-fogging, dirty tricks of a former financier? And, was it too much to conclude, that the same House would bestow the same applause on any other gentleman or on any other measure? No one could forget the votes respecting the value of the one-pound note—no one could forget the votes on the Bank Restriction, and on Mr. Peel's bill: and no one who remembered them could doubt for a moment, that the House was prepared to take any step which ministers might propose. As to the question of religious instruction, he was as anxious for its general diffusion as any man; but it was a principle with him, that it should be general; that it should be on the most liberal and extensive scale; and upon that ground, that the Dissenters, as the larger body, should have the larger proportion. In pursuance of the same principle, he agreed in the proposition of his hon. and learned friend, which preferred the founding of schools to the building of churches. If, instead of adopting such an obvious mode of improving the morals and enlightening the minds of the community, the right hon. gentleman persisted in his present plan, he would bring down upon himself the question of the whole Church establishment in all its details. The people of England would not submit to have 500,000*l*. laid out in building churches, and laying a foundation for the increase of church patronage, without calling for an investigation of the whole establishment, from the archbishop downwards; and the right hon. gentleman might be assured, that no opportunity would be lost, within doors and without, of raising such a clamour as would make it necessary for ministers to abandon it.

Mr. *D. Gilbert* said, he rose merely to express his opinion on the expediency of suffering the salt-duty to expire. If the duty were intirely off, a far greater quantity would be used for the purposes of agriculture, and for many other purposes connected with the arts. In the glazing of pottery, and even in glazing bricks for building, it might be used. As the right hon. gentleman had thrown out the subject as if with a view of sounding the disposition of the House, he had thought it his duty to express his opinion upon it.

Mr. *Baring* wished to know from the chancellor of the Exchequer what arrangements he had made for paying off the twenty-five million which the government was bound to pay in October? It was to be presumed, that he had his machinery prepared for raising the loan that would be required.

The *Chancellor of the Exchequer* said, that the sum would be raised by loan or Exchequer bills; but the mode would depend, in a great measure, on the amount which would be necessary to pay off the dissentients.

The resolutions, founded on the details contained in the chancellor of the Exchequer's speech, were then read and agreed to.

Army Estimates.] The report of the committee of Supply was brought up. On the first resolution being read,

Mr. *Hume* said, that the chancellor of the Exchequer had calculated the average expenditure for the next four years, on the present scale of 73,041 regulars, and if the present report were agreed to, there would be no reduction for four years to come. At any rate, there were no circumstances to authorize the continuance of so large a force. The same reasons which were urged by the chancellor of the Exchequer, for a small reduction of taxation would justify a much larger reduction. There was no other means than this of giving relief to the country; and if the expenditure were not much more diminished, there would be little or no good done. The House were now to be called on to vote 73,000 regulars with 19,000 veterans, artillery and marines, making a total of 92,000 men, not 3,000 of which were at any time out of the country. Thus there were 92,000 men embodied at an expense of more than six millions a year. He remembered that in 1817, lord Castlereagh had admitted that seven millions was an extravagant vote; and he only asked it for that year on account of the disturbed state of the country. But the noble lord had then stated, that no less a sum than four millions would be voted for charges wholly unconnected with that year. These four millions were made up of items that were never again to occur. The expenditure of the navy had been reduced, more reduced perhaps than that of any other department; the expense of the Ordnance had also been reduced: but putting barracks and all together, the expenditure for the army was now greater than in 1817. He was ready to acknowledge the liberal disposition of ministers as to commerce; but there was an influence exerted somewhere to make and keep England a military nation. Unless the House interfered, no alteration and no relief could be expected. He recollected four years ago when ministers said the government could not go on if further reductions were insisted on; and he had little hope now of any good being effected, for the House then applauded ministers for their representation, and approved their conduct. The House would, therefore, do as the ministers wished; and unless they were disposed to make reductions, he was afraid the House would not compel them. If 10,000 men less were voted, however, there would be an additional saving of half a million every year; and he should neglect his duty, if he did not urge the House to agree to such a reduction. Last year a large expenditure had been permitted, because the whole of Europe was in a state of fermentation—but at present there was no ground for a similar expenditure, for his majesty's speech talked of nothing but peace. He thought 63,000 men quite enough for the present year, and he should, therefore, move an amendment to the report—

"That as his majesty was graciously pleased in his speech from the throne to inform the House that, 'at no former period has there prevailed throughout all classes of the community in this island, a more cheerful spirit of order, or a more just sense of the advantages, which, under the blessings of Providence, they enjoy.

"'In Ireland, which has for some time past been the subject of his majesty's particular solicitude, there are many indications of amendment, and his majesty relies upon your continued endeavours to secure the welfare and happiness of that part of the united kingdom.

"'His majesty has commanded us, further, to inform you, that he has every reason to believe that the progress of our internal prosperity and improvement will not be disturbed by any interruption of tranquillity abroad.

"'His majesty continues to receive from the powers, his allies, and generally from all princes and states, assurances of their earnest desire to maintain and cultivate the relations of friendship with his majesty:'

"This committee cannot, therefore, agree to any increase of the number of the army since last year, but are of opinion that a standing army of 63,000 regulars, exclusive of 19,000 of artillery, veterans, and marines, now embodied, and a large force of militia and volunteers ready on any emergency to be embodied, are sufficient, under all the circumstances of the country, to be kept up."

Lord *Palmerston* said, that this question had been so fully discussed on a former night, that he should not trouble the House with re-arguing it. He rose for the purpose of setting right an error in the hon. member's comparative estimate of the year 1817 and the present year. He seemed to think, that the estimate of the former year was less than the present, when in fact we had, in 1817, 107,000 men, at an expense of 6,664,000*l.* whilst in the present year the expense fell short of six millions.

The House divided: For the resolution 52; For the amendment 8.

HOUSE OF COMMONS.

Tuesday, February 24.

BEAR-BAITING.] Mr. *R. Martin* presented a petition from the inhabitants of Manchester, praying for the abolition of bear-baiting, badger-baiting, dog-fighting and monkey-fighting. The petition, he observed, was most numerously and respectably signed, and he felt proud of the honour of having been selected as the individual to present it to the House. He had observed, on a former night, that bull-baiting was already abolished; happily, no man could now bait a bull without exposing himself to the penalties of a misdemeanour. The petition was signed by upwards of 700 most respectable individuals, and particularly by the class of persons belonging to the Society of Friends. It set forth, "That the petitioners, strongly impressed with a sense, not only of the cruelty which is inflicted on the unfortunate animals who are made the subjects of various barbarous sports, such as bear-baiting, badger-fighting, dog-fighting, and so forth; but being also persuaded that the habit of beholding and promoting such spectacles has a mischievous effect upon the moral nature of man, and often leads to offences of an atrocious nature; humbly pray, that the House may be pleased to take the same into their consideration, with a view to suppress such sports."

Ordered to lie on the table.

Tobacco Duties.] Mr. *H. Davis* presented a petition from the manufacturers of Tobacco and Snuff in the city of Bristol, praying for a repeal of the duties on those articles. The petitioners, many of whom were large capitalists, complained that the encouragement given to smuggling, by the high duties, rendered it impossible for the fair dealer to compete with the illicit trader. He could not state a stronger instance of the impolicy of high duties, than that, when the duties amounted to 1*s.* 5*d.* the quantity, paying duty in Ireland, amounted to 11,000,000*lbs.* whereas, when the duty amounted to 4*s.* the quantity amounted only to 2,500,000*lbs.* There could not be a more striking fact to shew that large duties were injurious to the revenue. He trusted that, therefore, in justice to the public, as well as to those interests more immediately affected, the chancellor of the Exchequer would consent to repeal this most impolitic tax.

Mr. *Bright* expressed his regret, that the chancellor of the Exchequer had not afforded more effectual relief to the public, by the repeal of taxes which were not only oppressive and impolitic in a financial point of view, but most injurious to the morals of the people. The right hon. gentleman had described most eloquently last night the progress of immorality, commencing in an invasion of the revenue laws, and ending in the commission of the most atrocious crimes. His description was most eloquent and ingenious; but why had not the right hon. gentleman applied his own principle to the repeal of a tax, which was perhaps a more fertile source of crime than any other branch of the revenue? The duties on tobacco amounted to 1,000*l.* per cent upon the original value of the article; the temptation to smuggling was therefore great, and every artifice was resorted to, to introduce this article. It was a remarkable circumstance, that so many large capitalists should come forward on the present occasion to petition for the repeal of these duties; a measure which could not fail to be highly advantageous to the smaller capitalists. It was a strong proof of the difficulties to which they were driven by the extent to which smuggling in this article was carried. In fact, the capitalists in this branch of trade had, for many years, been conducting it without profit, or even at a loss, from their inability to enter into competition with the illicit trader. He trusted the House would shortly take this subject into its serious consideration.

Ordered to lie on the table.

Wool Tax.] Lord *Milton* said, he had a petition to present from a numerous body of his constituents, from the woollen manufacturers of Saddleworth, praying for some modification of the duties upon Foreign Wool. He was sure it would be satisfactory to the House, at least to that part of it who took liberal views of commercial subjects, to hear the opinions which the petitioners expressed. They expressed their hopes that now, when his majesty's government were taking sound and enlightened views of the commercial interests of the country, the woollen manufactures would not be neglected. He read this passage, with a view to show the House of Commons and the government, that when they took sound views of the interests of the country, their conduct was not misunderstood, nor their endeavours misinterpreted. He had felt great gratification, last evening, at that part of the chancellor of the Exchequer's statement, which related to the commercial regulations of the country; but he had felt much disappointed, and he was sure the country would by no means be satisfied, at the amount of taxation that had been reduced, or the articles that had been selected. He thought, that by the reduction of the duty on coals, a most undue preference had been given to the city of London—that portion of the community who stood least in need of it, because they possessed the concentrated wealth of the country. He knew the argument upon which the reduction rested; but, with all due respect to those who supported that proposition, he must take leave to say, that it would have been much wiser to have selected a tax of more general pressure, and more open to objection [hear!].

Mr. *Stuart Wortley* said, he wished to

time back, to some person or other (no matter whom), that, from the number of appeals which flowed in from a distant part of the kingdom, there must be something defective in the formation of the courts in Scotland, or in the manner in which the laws were administered. In consequence of this, a northern expedition was fitted out, under the high authority of an act of parliament, and composed of several grave and learned men. This commission was to inquire whether all was sound in the jurisprudence of our northern neighbours; and, by the 4th of George 4., cap. 85, they received the fullest, the most unsparing powers to perform that duty. By that statute "full power is given to persons to be named, to make inquiries into the forms of process in the Court of Session, and the Court of Appeals; and they are directed to report, whether the present forms of process might be improved, by simplifying and shortening the forms of pleading and proceeding, by separating matters of fact from matters of law, &c. and they are also directed to set down in writing such alterations and amendments as shall seem necessary or useful. Power is given to them to call for persons, papers, and records, and their opinions are to be stated, through the secretary of state, to both Houses of parliament." This was a wise and salutary measure, and it was only necessary to be acted on, in our own part of the country, with some little alteration, to produce the most lasting benefit. The alteration to which he adverted was, to substitute other persons in the room of professional men: for, notwithstanding the respect he entertained for the legal profession, he must say, that their love of ancient form was very likely to bias their opinion. He therefore would propose substituting a committee of this House; which was the best tribunal in the country for extended and useful inquiry and investigation, in the place of a body of professional men. The measure, he repeated, was a good and salutary one; and required only this alteration to be perfectly efficient. But it might be said, that what was safe in Scotland was not safe in England; and that although parliament had, on such a subject, legislated as he had described for Scotland, yet the House, in being called on to act thus for England, was placed in a very different situation. The difference, he contended, was all in favour of the measure he proposed, and pointed out, most imperatively, the necessity of adopting it. Where the evil complained of was not so remote—where it was within their immediate reach—where this great and growing nuisance was rapidly spreading itself over the land—in a case like that, he asked, was the House furnished with such a precedent as to justify it in shutting its doors? Against legislation? No; but even against parliamentary inquiry. It was safe, and prudent, and right, to adopt a measure of this nature on the north of the Tweed; but it was unsafe, and impolitic, and unwise to introduce such a practice south of the Tweed. To such inconsistencies must those be driven, who, if there were any such, meant to oppose his motion. He was not, however, aware that any honourable members meant, that night, to set themselves against inquiry.

He was fully aware of the difficulty of the task which he had undertaken. He needed not to be told, that he was ignorant of the practice and principles of the court of chancery, for he avowed it. Practice in that court, as an advocate, he certainly had had none; experience as a suitor, while he could command the remedy of a pistol, he would never have. [Hear, and a laugh.] But, if the people of England waited until some person came forward, with full experience in the court of chancery, to make the motion which he was now making, he feared that they would have to wait a very tedious time indeed; that they would have to wait until motives of interest should cease to sway the views and conduct of mankind. Judgeships, masterships, commissionerships, attorneyships, solicitorships,—these things danced before the eyes of learned gentlemen, and diverted their attention, and prevented them (he spoke generally) from perceiving those grievances which their clients, nevertheless, were no way prevented from suffering. Now, in spite of all the disadvantages under which he had to come forward, there was one point, at least, as to which no man could stand in a better situation—while he would cautiously avoid stating any thing which he did not fully believe to be true, the facts which did reach him should have utterance as far as he had power.

There was another difficulty which beset the case, as he was to enter upon it, and that was, the manner in which, on a former occasion (and he presumed it was to happen again upon the present)—the manner in which his arguments had been met by the other side. Every succeeding case which he had adduced had been treated as a sort of wonder—as though, for the first time in the hearing of man, he had been stating the fact that there were delays in Chancery as though he had been broaching some new subject, or producing some startling paradox, to the truth of which no well-constituted mind could possibly give its assent, without the adducement of most multitudinous as well as undeniable evidence. But, was the fact so; or was it fit to act as though it were so? Was every member of that House bound to dismiss his private information, as well as the general notoriety of the grievance under debate? Was it just or right, that he should be met in argument, as though the evil he was deprecating had never been heard of, when complaints of it met us in the courts, in our houses, in our streets; and when there was not, perhaps, a corner of the kingdom, except the House of Commons, in which its grievousness was not felt, and admitted, and lamented?

A third difficulty still he had to struggle with, and he had no hesitation in repeating it, although it had been treated, on his former motion if not as an invention, as an exaggeration, and that was, the difficulty which he found in eliciting facts, and in dragging them to light. And he declared upon his honour, as a gentleman, standing where he did, in his place in parliament, that this difficulty to which he alluded was most strictly and absolutely true. Practically, as to facts, he had experienced every difficulty; and he would endeavour to put the House into the way of seeing that such was the case. Subsequent to the notice which he had given of bringing on the present question, hearing of a particular case which seemed important to his argument, not as applied specifically to the evil of delay, for this particular case had been brought to a termination rather within a period of twenty years [A laugh]—but rich in variety of proceedings and expense, and illustrative, besides, of that conclusion—not in chancery uncommon—to wit, that when victory came, it brought ruin along with it. Having heard of this case and its great qualities, he had applied to the solicitor concerned. He had seen him; had stated his object; had said, that he meant to use his information in the House of Commons, and that he should feel himself entitled to detail, if not the particulars, yet the result of their then conversation; and the effect of the conference had been, that the solicitor refused papers, and politely declined making any communications upon the subject. In another case, a portion of which he should have to state to the House,—a short time subsequent to the last motion, which he had had the honour of making to the House, he had met with a solicitor—a man of perfect respectability—who said (as he was informed indeed in all quarters) that he had been extremely unfortunate in citing cases, and that he might, without difficulty, have obtained some which were greatly stronger and more striking: and, as a proof, had proceeded to give him the details of a case certainly most signal for the time of its duration, as well as for the number of attendances in it. He had not been able to read the whole case at the time to which he referred; nor even if he had read it, could he be expected now to remember the circumstances; but since he had given notice of his present motion, he had applied for the details. Doubts in the mean time had arisen, either with the solicitor or the client; and the very facts which in the first instance had been offered to him freely, the parties were no longer inclined to supply. He would state another instance to the same effect; for, on his side the question, single facts were not sufficient. During the last Christmas holydays, he had happened to be in a neighbourhood where there was a single woman who had a small fortune locked up in chancery, and who pending the proceedings, was reduced to great distress. The case was a case pretty generally known. He had heard of it prior to the time to which he now referred; and had called upon a solicitor, whom he knew formerly to have been engaged in the suit. The gentleman applied to recollected the case and spoke of it; but, "although it is very bad," said he, "it is nothing at all compared to another that I have;" and then proceeded to detail this new case—all the urgencies of his client—the great distress in which he had been plunged—and the anxiety with which he himself (the solicitor) had in vain endeavoured to get judgment. Now, at the time of the conversation in question, that solicitor had his papers, and was willing to give them. It happened that he (Mr. W.) had been professionally engaged at the moment, and therefore unable to take them. He had recently written to the same party for the papers, and was told, that since their interview, he had taken time to deliberate; and, on consideration, must decline to give any further information. There was another case which he should have to adduce to the House, and imperfectly, from a want of the necessary information. In this last case, the solicitor admitted the grievance. He even was not unwilling to give the particulars; but, though not unwilling, he was afraid. He said—"If I give these papers, I shall become a marked man—I will not say in court, but certainly in the surrounding offices, and my business will be traversed and impeded." He called the attention of the House to these facts; not so much from a desire to vindicate his own character as to the truth of the assertions which he made—though that he might be allowed to wish should stand well with the House and with the country—as from a wish to convince honourable members, that information upon the subject, really was withheld, whenever he had suggested that the information which was denied before the House he could command before a committee. The respectable body of solicitors put him in mind of an observation which Mr. Burke had applied to another class of individuals—"They are like cats, who will not put out their electric light until they have their backs rubbed." The degree of attention, whatever that was, which it might be necessary to bestow upon these gentlemen, before they would give out their lights, would be best, as well as most pleasantly, he thought, administered to them before a committee.

He should now come to those facts, and documents, such as he had been able to collect them, to which he trusted more than to any statements, for support in the measure he proposed; but first, in answer to some observations made at a former time, he wished to ask a single question. If, with his ignorance of the business of the court of chancery—that ignorance which justly was attributed to him—he had been able to bring before the House those facts which were contained in the papers upon the table—if he, with his ignorance, could make out any thing like a case before the House, and (what now began to be material) a case before the country, how crying must the evil really be, and how much more glaring would it have appeared, if the subject had chanced to fall into the hands of persons of real information and experience? The first document to which he desired to refer was, the return upon the table, containing an account of the number of appeals and rehearings, from the time of the appointment of the vice-chancellor in 1813 to the close of the last year. He saw that the paper embraced the years 1813 and 1823; whether it took in the whole of those two years he was not able to state. Now, what did this return prove? There was a list of causes amounting to 168 or 169. A small number, three or four, had been withdrawn, or struck out by the consent of the parties concerned. The causes before the vice-chancellor, amounting to 84, were to be deducted. This number was nearly one half of the whole, that was to say, 85 was as nearly as might be, the number of efficient causes in ten years; and, supposing that to be the estimate, the appeals had been in the proportion of eight and a fraction in each year. He had stated on a former occasion to the House, that the business of the court was in "admired disorder"—that it was difficult always to say of any business when it would come on—that this was the cause of great expense and waste of time—just, in fact, as any private individual, who had suffered his accounts to run into arrear, found it difficult, if not impossible, to transact business with regularity. If hon. gentlemen would turn to the third page of the return upon the table, they would find, that after making deductions for causes struck out and withdrawn, there were twelve effective causes left upon the whole. Of these, there were three that averaged seven years old, from the date of presenting the petition to the time of the order; three which averaged six years; and three which averaged about two months. Now, on what principle, when there were 104 appeals on the paper of the chancellor—on what principle, except by some disorder in the general arrrangements of the court, did he find a cause of nine years standing by the side of a cause of two months? And yet such was the case, according to the paper which he held in his hand. Indeed, looking through the list, instead of any thing like good order or regularity of arrangement, he found nothing but disorder from the beginning to the end. If the House would take an account, it would find, that in nineteen cases no order appeared to have been drawn up by the suitors, even after it had been pronounced by the court. This was independent of cases settled by the parties between themselves, when they were driven to compromise by the despair of coming to any conclusion. No. 39—third page of the return—was the case of "The Attorney-General *v.* Brooke." The history of this case was curious, and it was yet one of the least of the examples which would be produced. It was heard before the lord-chancellor after an interval of six years, and his lordship decided it as to the merits, but took time to consider as to the question of costs; and during that time no order could be drawn up. For two entire years constant applications were made, term after term, for judgment; and, at the end of that time, the parties compromised, despairing of obtaining any judgment at all.

He had thought it right, since, without facts, and abundant facts, he could do nothing, to bring before the House an account of the business of the two last terms, with reference to original causes, appeals, and re-hearings, which were precisely the subjects to which the returns on the table would apply. He was happy to say, that as regarded original causes, appeals, and re-hearings, he could state precisely that which had been done. First, there stood the case of "Wienholt and Logan," which had been heard, but upon which no judgment had been pronounced. Next, there was the case of "Nunn *v.* Agutter," again heard and no judgment pronounced. Then came, "The Attorney-General *v.* Mansfield," in which, upon hearing, an opinion had been intimated, but the question of costs was reserved, and therefore to the present moment there was no order drawn up, nor could the case be disposed of. "Cox *v.* Lord Somers," this was a case of re-hearing; it was heard, but no judgment given. "Powell *v.* Monchett,"—this was a case of appeal; this was heard in part, but no judgment pronounced. So that, except with respect to the case of "the Warden and Fellows of Christ College, Manchester," which did not take up half an hour in argument and opinion together, except in that case, not a single final decision had been given.

But, besides these circumstances, he was able, and he felt pleasure in being able, to state to the House, the number of times exactly in which these causes had appeared in the cause paper; for every time of which the solicitor in the cause was, before hearing, entitled to a fee of 13*s.* 4*d.*; and from the hearing, downwards, he and the clerk in court, to a fee of 1*l.* between them. It would be worth while to listen to the expense which this arrangement, or this want of it, had led to. The case of "Wienholt and Logan" had been in the paper fifteen days. "The Attorney-General and the Corporation of Bristol" was an appeal lodged in October last; it had been twenty-four days in the paper, and not touched at all. "Campbell and Ward" was an appeal lodged in Easter term last, and had a precedency over other suitors, which he did not understand; the precedency, however, went only as far as the paper, where it had appeared fifteen days, and had not been touched. "Powell and Monchett," heard and not decided, had been twenty days in the paper. And so far for the effect of documents, the statements of which he believed would be found to be authentic, and which, as regarded the mere unnecessary expense which they showed affected the suitors in chancery, would be sufficient, he submitted, to warrant a revision of the arrangements of that court. Not that he meant to rest, however, upon these general expositions; because he knew it might be said, and, what was more, that it would be said, "that there was no delay, no inconvenient delay; no expenditure, no unnecessary expenditure." Indeed, there was nothing at all that he knew of which could not be declared, and with a certain degree of weight and authority, provided the speaker stood in a right position in the House. The assertion became not a matter upon which reason and consideration was to be exercised, its truth or falsehood became a question merely of locality. And, therefore, while he felt that from some quarters very little indeed would be taken to amount to proof, he himself, standing in the wrong situation, could venture no proof even, which was not well authenticated.

To come, then, to the citing of cases, in doing which he might seem to be somewhat dilatory; but it would be recollected, that he had to contend with both situation and argument to bear him down. The cases which he should produce would, the weakest of them, he believed, produce great effect; upon the whole, they would be imperative for a complete and a speedy change of system. He should begin, then, with the case of "Dudley *v.* Freeman," and endeavour, as briefly as possible, to state the facts of it to the House. In the year 1783, a person of the name of Keeling made a will in favour of the children of a gentleman of the name of Freeman (Freeman, the defendant, being the eldest of these), and died. The plaintiff Dudley was heir at law, and trustee to the will; and, in the year 1784 (Keeling having died in 1783), he filed a bill in chancery to execute the trusts of the will. In the year 1787, a decree confirming the trusts of the will was passed; a receiver was appointed; and the present defendant, Freeman, was allowed for several years, first 100*l.* a year, and afterwards 200*l.* out of the proceeds of the estate. In the mean time, a doubt had been expressed, in a certain quarter, as to the validity of the limitation under which the defendant, Freeman, took; and Dudley hearing of that doubt, in the year 1812, filed a petition for the purpose of reviewing the decree of 1787. That petition was put upon the file in 1812. From 1812 to 1818, nothing whatever was done in it. In 1818, the matter, according to a point of form, which he had no doubt was correct—no judgment was given, on the ground that a petition was not the regular mode of proceeding. In 1819, however, a bill of review was filed. In the Lent of 1821, the question was argued in court; and, between that time and the summer of 1823, judgment was called for repeatedly without effect. The defendant's whole expectations depended upon the result. The property consisted of 2,000 acres of land, and an accumulation of 20,000*l.* in money, which he had reckoned upon from his birth. At this time 1823, he was in a dangerous state of health, in consequence of irritation, uneasiness, and hope deferred. Certificates were sent by physicians stating the urgency of the case. The feeling was so strong, that even magistrates of the county in which he resided—[he, Mr. Williams did not say that this proceeding was correct, but it had been resorted to]—had made remonstrances which were shown to the counsel in the cause; and at last, after an immense number of attendances, time after time, upon appointments to give judgments—he (Mr. W.) had applied to the solicitor in town for the number of these attendances, for the original attorney in the country had been literally worn out in the cause. [Hear, hear.] The thing was so. Men would die, and suits in chancery would survive. The town solicitor had refused to name the precise number of attendances; but he could state with confidence, that there had not been less than forty; a gentleman who was concerned in the cause had told him, that he had himself attended not less than sixteen specific appointments for judgment. In the mean time, such was the anxiety of the client in the country, that he had urged his solicitor, over and over again to undertake special journies to London (incurring immense expenses in this way, which would not, on taxation of costs, be allowed by the master) in order to hear the case when these notices of judgment had beeen given: but the attorney came and waited, and lingered, and, as he had come so he returned again. At length, on the 4th of June last, 1823, a motion was made in the House of Commons, on the subject of delays in the court of chancery. The debate was adjourned; and on the morning of the 5th, an intimation was given at the sitting of the court as to judgment in the case of "Dudley and Freeman." The judgment was given in one sentence—given without reasons stated, and appealed against; but eventually the parties, like wise men, agreed to compromise their difference. This, then, was the extent of the case of "Dudley and Freeman."

The next case with which he would trouble the House was, "Lord Moira and others *v.* Wyatt and others." This was a bill filed by lord Moira and his trustees against the defendant, as the commissioners under the Charnwood-forest inclosure act, and the question turned on the construction of a clause in that inclosure act, as to the liability of lords of manors to contribute towards the expenses. The bill was filed in 1814, and the question came before the court of chancery in January, 1817. Sir Samuel Romilly and another learned gentleman were counsel for the defendants. The case was very fully argued on both sides, and the court after expressing an opinion in favour of the plaintiffs, at last concluded to take the papers, and consider of judgment. The cause rested until 1819, when, in consequence of a determination of the commissioners to make their award, counsel were instructed to apply to the lord chancellor for judgment; and the answer to this application was, that the papers in the cause were lost. This intimation, that the papers were lost, was actually the answer received from the regular officer. Fresh papers then were furnished, and fresh preparation was made for fresh argument. The lamented sir Samuel Romilly being dead, and the other counsel in the cause having left the court, it was found necessary to appoint fresh learned gentlemen: and the matter was again discussed. In this state things rested until the year 1820, when the solicitor in the cause received the intimation that the lord chancellor would take the act of parliament home with him, and give his judgment on the morrow; but never did the parties that morrow see!" The parties could not move; the motion only respected the construction of the enclosure act, and all that was required was the award of the commissioners; yet, in fear, or rather in utter despair, of ever obtaining the judgment of the counsel, they came among themselves to a compromise. This could not be called justice; and therefore they could not be wrong in terming it the failure of justice. The very ground, the only ground, upon which the parties had any reason, to submit their cause, was neglected by the tribunal; all the expenses were wasted; the proceedings were absolutely null and worthless.

The next case to which he wished to call the attention of the House, was one in which a gentleman, to whom he was perfectly well known, was interested, although, as the case respected domestic concerns, he should decline mentioning the name of the individual. He did not suppose that any one would suspect him of invention; but lest it might be supposed that he was exaggerating the circumstances, he took the opportunity of saying, that the gentleman in question had authorised him to refer any hon. gentleman to him, who wished to be still more extensively and accurately informed with respect to the facts. The gentleman in question married a lady whose misfortune, for it certainly was not her fault, was, that in consequence of some of the provisions in her father's will, a portion of her property was lost to her, unless redeemed by the interference of a court of equity. This gentleman, like all other gentlemen, he believed, who married—but of this subject he (Mr. W.) could not pretend to be so good a judge as his hon. and learned friend opposite—took the lady for better for worse. The lady was certainly the better part of his acquisition in marriage, and the suit in Chancery was the worse, or to use the superlative degree, which it most richly deserved, the worst. A bill was filed for account, an answer was put in, and there was a decree. The proceedings began to move at this juncture with miraculous rapidity. The gentleman was a person of very competent understanding: he had friends in the profession of the law—he had a near relation who was a counsel, and he possessed no inadequate knowledge of the subject himself—he had all the advantages which his friendship and alliance with professional men could give; and although it seemed as if he would have no great time to abide in chancery, yet, with the perspective before him of a report from the Master's office, exceptions to the exceptions, appeal to the chancellor (probably after an appeal from the vice-chancellor, or the master of the rolls), appeal from the lord chancellor to the House of Lords, record remitted back again for another examination in the Master's office, ditto repeated as to appeal and so on—rather than risk the chance of all this, the gentleman, as well acquainted with the subject, and as intelligent as any gentleman could be, and with the most friendly and powerful advice which any gentleman could command—from the mere dread of delays, did assent to a compromise, by which he deliberately abandoned one half of his claim. It was impossible to name a case which more clearly illustrated the practical merits of the subject upon which he was speaking.

The next case which he should submit to the attention of the House, in further illustration of the difficulties which he had experienced in prevailing on individuals to furnish him with facts respecting cases the general merits, though not the details of which, were known from one corner of the kingdom to the other, related to a case on which, in the answer made to his (Mr. W's) motion on the subject in the last session of parliament, he was asked by an hon. and learned friend for an explanation of some particular circumstances. The party to whom he applied for information respecting it, was in the profession of the law, but not in practice. It was to be supposed, therefore, that he would be exempt from any undue influence. He was applied to for information at his (Mr. W's.) request, but he declined furnishing him with the facts of a case, the general merits of which a learned friend of his had communicated to him long ago. As he was in the profession of the law, he did not wish to name him. Having thus declined to give any information, he (Mr. W.) had called upon him and urged him personally on the subject, but to no purpose; for the individual in question still distinctly declined to make any communication with regard to the facts of the case alluded to. At length, having pressed the matter upon him—having shown him that he (Mr. W.) was in possession of the principal proceedings in the case, and having proved to him that he was not competent to withhold the information which he possessed respecting it, this gentleman very reluctantly mentioned the facts; not, however, until he (Mr. W.) had pledged himself to abstain from using his name, except any hon. gentleman should suppose that those facts were not authentic, in which case he was authorised to refer such hon. member to the gentleman whom he had described, for personal confirmation. The case itself was an action brought on an annuity-bond in the early part of the year 1817. Soon afterwards a bill was filed by the defendant at law, for relief against the bond. A very short time before the summer assizes of 1817, a motion was made by the defendant at law, the plaintiff in equity, to stay the trial; which motion was refused on the ground of the near approach of the assizes; but an injunction was granted to stay execution. The trial came on in the summer assizes of that year. The plaintiff obtained a verdict. Early in the following term the plaintiff at law moved the court to dissolve the injunction. In the course of the term, the merits were discussed at length, and the whole argument distinctly heard—that is to say, the grounds upon which the injunction was granted were argued and finally decided The matter stood for judgment that term, and there it stood for some time after. How long did the House suppose? For three years and a half. Frequent applications were made by the counsel for judgment on the injunction. Meantime the papers were lost and found again. After the expiration of three whole years and a half, judgment was given for the plaintiff at law, on the ground that there was a legal defence, of which the other party might have availed himself at law. His opinion was against them on the point, but he would not send a case for argument. It happened that one party, an obligee in the bond, in the course of those three years and a half, became bankrupt, and so did the other a few months after the injunction was dissolved, and the loss to the plaintiff, giving only a reasonable valuation for the annuity which thus failed him, could not be less than 10,000*l.*

There was one consideration incidental to this case, which deserved more attention than he could at present stay to give it—that consideration went to the constitutional right of interference in the jurisdiction assumed by this court. If it had been stated in 1817, that there was no legal ground for the injunction in equity, and the argument upon that question had been completed, why was the injunction granted at all? Was it forgotten that there was an express statute of Edward 6th, which provided—"that no matters determinable by the laws of the realm, shall be determined by other course than that of the same law in the king's courts having determination of that law." Was it not a necessary and indispensable averment in every bill filed in equity, that the petitioner was without remedy at law? Why should this court assume domination over the courts of common law, against the authority and decree of parliament, and when that common law was declared, in so many ways, to be of sovereign authority in the realm? This, however, was matter of too high import for him to deal with. He would, therefore, conclude his remarks upon it, by saying, that if the delays in chancery which were allowed on all hands to exist, were in any measure owing to this straining exercise of the jurisdiction, the sooner its powers were altered the better, both for the interests of individuals, and the character of the jurisprudence of the country. It was perfectly monstrous for a court to be allowed to interpose its authority, and usurp the power of deciding, to the exclusion of another court, possessed of much better knowledge of all the facts whether legal or circumstantial. He confined his objection to the use of that power in which the court of chancery itself admitted, as it had done in the case last cited, that the party had a legal defence, and dismissed the case, after considerable delay, on that very ground. The gentleman of whose sufferings he had thus spoken was affluent and sensible also, and contrived to avoid the worst effects which might have fallen upon him! but no thanks to the court of chancery.

The next case was one to which he had alluded already; the facts had been voluntarily stated to him. He must, of necessity, confine himself to a partial statement of them, unless, his hon. and learned friend on the other side (Mr. Wetherell)—whose appearance in his place, whether his appointment were attributable to general or special grounds of favour, gratified him very much—would condescend to assist him with more details. The case was that of "Cobb. *v.* lord Mountford." The motion was of an interlocutory nature, one of those modes by which the court continued to please and tease its suitors. The matter got into the paper in the shape of exceptions, though the original was a bill filed for account, in the year 1812. It was heard in 1815. As many applications were made as his hon. and learned friend opposite might choose to admit; but his memory must have suffered a wonderful damage from forgetfulness, if he could not state enough to surprise the House. In the years 1813, 1814, 1815, and 1816, there were not less than forty. Two of the exceptions were at length disposed of; the other remained to this hour undetermined, and in the mean time judgment was deferred. But this did not touch the body of the case, which was hung up on this interlocutory matter down to this year, 1824; and there perhaps it would hang until another and more serious day of judgment should arrive.

The last case to which he would refer, he should have to go into at more length, as it seemed to him to be the most complete illustration of all the questions which he had brought forward. The case was that of "Copis *v.* Middleton." In 1703, a bill was filed for an account of the estate of Nott, deceased, and praying that certain land, with a windmill, should be included and distributed accordingly, on the ground that it had been fraudulently conveyed by Nott without consideration. In 1796, there was a decree for an account. The matter then went into the Master's office, and there it remained. How long did the house think it remained there? what would they think of nineteen years? [Hear, hear,] In 1815, by great good luck it found its way out again. Not that he would have it understood, and he was anxious to save his hon. and learned friends opposite the trouble of arming themselves with unnecessary objections, that there was any particular urgency used to bring the matter on. He did not impute any part of this delay to the persons—the cause slept merely because it was in chancery, where time was of little or no account, and where the ignorant people would persist in saying and believing that there was a great deal of delay. By the way, if his motion were rejected, and if it should be resolved, that nothing ought to be done, he would make a suggestion which would perhaps be more worthy of the attention of the house; namely, to have a flapper appointed to the court, whose duty it should be to awaken the causes from time to time—say, every three, five, or seven years—or according to any other division of time which should be consistent with the feelings of the court. In 1815, the Master made his report, to which, of course, there were exceptions brought. In 1818, they were heard, and part of the question, as to the body of the cause, namely, as to the conveyance of the land, was decided: The exceptions were handed over to the high court of chancery. But time, which passed so easily in the court of chancery, was performing its usual operations out of doors: the windmill, which was part of the subject in contention, felt its influence. This windmill passed out of existence—it only lived in history—it was to the cause what Troy was to the Iliad—it was for ever gone. Should the diligent traveller seek for it, he might, by zealous assiduity, discover the place where it once stood. But, while the learned brotherhood were waging their wordy warfare about it, in 1818, it was level with the ground, and not worth the paper used in struggling for the right to it by the sagacious combatants. It was not from him that this representation came—though, of course, it could be nothing but the ignorance and folly of poor deluded wretches which could bring them to say that there was delay in chancery—it was a cry from people out of doors, who knew nothing of the beauties and excellencies of the chancery jurisdiction! The ignorant people of Chichester had, however, said as much; and they had framed a caricature, in which they had contrived to throw ridicule upon the court of chancery, through the medium of this very windmill. He had seen the caricature. The right hon. gentleman opposite (Mr. Huskisson) had represented the people of Chichester, in 1814, and could say whether or not they were ignorant, very ignorant—or whether they were purely Bœotian. They were certainly, however, not altogether without invention. They had represented the windmill in utter decay, with emblems of the causes appended, which referred to the proceedings in chancery, and underneath was written "*Adhuc sub judice lis est*" [a laugh]. The right hon. and learned gentleman had produced this very caricature in the court of chancery, which gave no small elucidation to the arguments for delay and postponement, together with their consequences, which obtained in those courts.

been pronounced by the court that an account should be taken, the object of it was, that the master should inform the court of the exact state of the property which was the subject of the suit, and particularly when it happened to have belonged to a party deceased. What the court wanted was this accurate account, not a statement of all the proceedings that might be taken in the Master's office. But, instead of such an account, he was credibly informed, that the report contained, not only what was the total amount of the deceased's property, but a voluminous schedule made out by the executor, beginning with the most valuable part of the property, and proceeding with a most absurd minuteness, down even to a pair of slippers. This schedule was frequently of enormous bulk; it was required to be sworn to, and the expense of the report, increased by this means, often amounted to ten, twenty, thirty, and even fifty pounds. The only effect of this multiplication of statements, totally immaterial and irrelevant, was, to vex and delay, and burthen the suitors. He wished not at this moment to express any opinion upon this practice. He had no doubt the masters might find it a convenient mode of discharging the duty imposed upon them by the court, and they would continue to do so until the House or the country should think fit to interfere. To expect any reformation in this and similar practices, they must begin with the court itself. To suppose that it would be effected without any such interference, would be a theory more vain than that notable folly of the hair-brained knight, who fancied that his squire would scourge himself to death as soon as his back was turned. The country must wait till he knew not what time, if they waited until a reform in the practice of the court should be begun by the court of chancery itself. The next inconvenience to which he wished to call the attention of the House, was the time which had been wasted in the Master's office. He did not state this without authority in black and white; because he knew well the disadvantageous consequences which must attend a contradiction here (whatever effect it might have elsewhere), if any such could be given. It seemed that the warrants granted by the masters in chancery were somewhat similar to the judges' summonses at law. It was the practice of the Master's office frequently to issue four of these summonses in an hour. It often happened, that there were four or five solicitors concerned for the various parties in the causes in which these warrants were issued; and if they all attended, the jostle and bustle which ensued, and the wordy warfare which sometimes was on the point of assuming a more practical shape, from those who were quarrelling for the pre-audience, rendered the time allotted to the business of the warrant inadequate for disposing of it. Thus, though the attendance, upon these warrants, was often totally unprofitable for the client, it was not so for the solicitors, who never failed to charge, as they were entitled, for their attendances. When he spoke of the profit of the solicitors, he wished, for the sake of that respectable body of men, to be understood, that he did not suppose they had any interest in preventing the correction of the abuses of which he complained. Every man knew that they were called upon to make very heavy advances in the earliest stages of the causes, for office copies of the several proceedings, and fees to counsel. The longer, therefore, the decision of the causes was protracted, the longer they would be kept out of their money. This must be the cause of one of two things, either it must be supposed, that the solicitors were content with the pleasure of working for nothing, or that they made themselves amends for the postponement, by charging to their clients more than the strict rules of the court would permit. If it could be supposed that they were so scrupulously, so romantically honest, beyond all belief—even this was no reason why they should be thought anxious to support this system of delay; and, for his own part, he thought it just and necessary to explain, that it was by no means his intention to impute to the solicitors of the court any sinister inclination to favour that system.

Having thus treated some of the details, he should proceed to the leading subjects, and those of a more general nature, which, the further they were investigated, would prove still further, the necessity of an inquiry into and a remedy for them. "Not," to use the words of the late lamented sir Samuel Romilly, "a remedy at the suggestion of official persons, and the friends of the ministers, as in the case of the appointment of the vice-chancellor; but a remedy to be prescribed by the universal opinion of all men, and an inquiry at which the information of all who were able to afford it, in every branch of the profession, should be brought to bear upon the question." He now came to a subject, the very name of which was truly ominous, the Dead Fund. That fund, it seemed, amounted to 1,200,000*l.* It was true, that what had hitherto been done with respect to this fund had been done under the sanction of an act of parliament; and although it could not therefore be now undone, there was no reason why it might not be more justly treated in future. He understood the claimants were, in many instances, ready to come forward. It was not like the unclaimed dividends at the Bank, where persons in possession of stock died without having communicated that fact to any of their friends, and it was therefore impossible to find out the persons really entitled to the property. In the case of the Dead Fund, the claimants generally knew very well what they were entitled to; but, as in the case of Chinnery, they were so traversed and thwarted by the delays and expenses of the court of chancery, that they relinquished in despair the attempt of preferring their claims, awed by the difficulty of establishing them. This, then, it would not be denied, was a matter which deserved the most deliberate consideration—whether it would not be expedient to adopt some mode by which relief might be given to these claimants. It was a duty which the government owed almost to common honesty, that a public notice should be given to the claimants that they might know what remained to be divided among them.

Again, on the subject of the proceedings in bankruptcy. Numerous representations had been made with respect to separating his jurisdiction in this respect from the lord chancellor's duty. There was this reason for it among others—that it was of comparatively modern origin. He knew it had been stated by that lamented individual to whom he had before alluded (sir Samuel Romilly), that it had commenced with lord Hardwicke. It was true the statute upon which the interference of the lord chancellor in matters of bankruptcy was founded, passed in the reign of Henry VIII., and its powers extended by a statute of queen Elizabeth; but it appeared, that no chancellor had ever exercised the power given by those statutes, until the time of lord chancellor Nottingham. From the latter period, during the offices of three chancellors, there were not twenty instances of any interference, up to the time when lord Hardwicke became chancellor. The statute of George II. was then passed; from that time the practice began, and had been continued until it had reached its present marvellous extent. If, therefore, it were true, as had been so often stated when complaints were made of the delay of the proceedings in chancery, that the court was too much loaded with business and overdone, how necessary was it that an inquiry should be made, without loss of time, into the expediency of severing this jurisdiction from the other powers of the chancellor?

He now came to the subject of the appeals in chancery. By a fiction of the constitution, every individual of the House of Lords, where these appeals were made, was supposed to possess a sufficient portion of legal knowledge, to make him a competent judge of the matters which the case appealed against contained. That this was a fiction of the coarsest description, could not be denied; and, like every other fiction of this description, the further it departed from the truth, unless the result answered the purpose for which it was invented, the more flagrant was the absurdity which it created. As the lord chancellor was, generally speaking, the most learned law lord in the House of Peers, as well as one of the most ancient and weighty, the appeal was, in truth, to the lord chancellor there, against a decision pronounced by the lord chancellor in some other place. His hon. and learned friend had formerly talked of this system being an appeal from Cæsar to Cæsar; but it rather was, if he would allow him to change the expression, an appeal from Philip to Philip. Now, in the appeal from Philip drunk to Philip sober, there was some reason; because that monarch, although he was when drunk remarkable for the most brutal cruelty and rage, was, when sober, an example of wisdom and moderation. But, if the appeal had been from Philip sober to Philip sober, it would then have been a most marvellous absurdity. With respect to the operation of the system, it had been by no one more correctly described than by the right hon. gentleman (Mr. Canning), who had said, that it was dragging the patient twice through the same sort of discipline. It appeared that when the vice-chancellor was appointed, there were 141 causes in the paper; in the last year there were

109; and now there were 104 appeals set down before the lord chancellor. So that little good seemed to have been done in the way of despatch, by the exertions of the last mentioned officer. If this, too, was the proportion of causes, it might reasonably be asked, why the intermediate appeal could not be spared, and the causes at once carried to the House of Lords. Upon this point, also, he repeated what he had said before—that he did not wish to express his own opinion, but he urged it upon the House as an additional reason to those which he had before stated, for the deliberation and inquiry which he thought was demanded.

Another material point which he would mention was the expediency of separating the lord chancellor's political from his judicial character. In the first place, it was highly injurious to the public, that when that noble and learned judge for the time being had before him the consideration of all the interest of the community, as a judge, he should be called away at any hour, however inconvenient, to assist at the public councils, and decide upon the interests of the nation in gross. Interrupted thus, as under the existing system every chancellor must be, in the midst of an argument, let his attention and his memory be what they might, forgetfulness must ensue; and not only time and money would be lost, but perhaps the interests of the suitors might be still more seriously injured, whenever the judge should come back again to resume the argument which had been interrupted by the pursuits of avocations, and the consideration of subjects so entirely different. But this objection lay upon the surface, he would go deeper and would ask, if that unmeasured panegyric which had been bestowed upon a certain part of the constitution were deserved, how it could be denied, that the political and judicial character of the lord-chancellor ought to be immediately separated? It had been often said, that the effecting the independence of the judges was the consummation of human wisdom. Now, if this were so, and he did not deny it, for what reason, he asked, was it that a principle which applied to all the other judges, should not be made also to apply to the first judge of the land? For what reason should not the same careful protection which had been extended to preserve the independence and reputation of other judges, reach also to that judge who, as he thought unfitly, continued to unite with the character of a judge, other duties which were not compatible with it. Let however, wiser men decide upon this point. He only suggested the matters which he thought called for deliberation and inquiry; and that these were absolutely necessary was all that he had undertaken to say.

He was now about to bring to a close the observations with which he had troubled the House. He had endeavoured to avoid, as much as possible, the objections which, on a former occasion, had been urged against him. It was then said, or if not said it was intimated, that he had drawn all his information from the same source—that his facts all came from one single office, or as, in compliment to his hon. and learned friends latinity, he would call it, *officina*. Now, he could assure the House and his hon. and learned friend, not only that he had none from that office, but that he had no two papers from the same office. When, on a former occasion, he had thought fit to mention the name of that noble and learned lord who, for the last quarter of a century had ruled over the law, and (as his hon. and learned friend, the member for Winchelsea said, and was but feebly contradicted) over the politics of the country too, what he had said met with a very strange reception. On the one hand it was contended, that he need not have gone at such length into detail; on the other it was said, whenever he bore testimony to the talent and learning of that noble and learned lord, that it was with some sinister intention—that his compliments were designed to cover the sting which lay, like the point of an epigram, in the tail. His hon. and learned friend, then the attorney general, now the noble and and learned lord Gifford, had told him not to suppose, that any compliment of his could add to the well-earned fame of the lord-chancellor. He had therefore resolved to be cautious on the present occasion, and not to incur a similar rebuke. From the commencement of his speech until the present moment he had cautiously abstained from paying any such compliments, as well as from mentioning that noble and learned lord, further than was incidentally necessary; nor did he intend to do so in future. If, therefore, the same sort of dexterous tactic should again be played off upon him by some honourable gentlemen, it would not have the merit of novelty, nor the excuse of being founded on fact.

As far as he had been able to understand the bearings of this question he could not understand what objection could possibly exist, to afford the inquiry which he asked for. In the first place, to take the supposition that this inquiry, which the country was entitled to have, and which it would demand, had been granted; and that upon such inquiry it had been found, that the machinery of the system of the court of chancery was perfect, but that the agency was faulty; then the most satisfactory conclusion would have been arrived at, for it would be much easier to change the men, than to alter the system. But if, on the contrary, it should appear that the machinery alone was imperfect, then another inquiry must be proceeded in, as to the causes of that imperfection; and, these discovered, then all the wisdom of the legislature must be directed to the task of providing a remedy for them. If then, it should be found, that although the imperfections were known to exist, it was impracticable to approach them so nearly as to alter them, every man would have a reasonable and solid cause for patience, and must bear as well as he could, the evils for which no remedy could be prescribed. If, on the other hand, this should be denied, and an attempt should be made to shut out all inquiry, solely for the purpose of screening the court of chancery, that court would gain nothing by such an attempt in the estimation of the country, and the House would lose in it infinitely. But, allowing that the noble and learned lord who presided in that court was well entitled—and for aught he knew, he might be well entitled—to all the encomiums that had been so plentifully bestowed upon him on former occasions, he would beg the House to permit him to put one question to them. If under the management of a man so perfectly wise as the noble and learned lord was represented to be, such bitter proofs of delay and expense had been produced, what must the system be that had given birth to them? Let him ask them also to consider in what a luckless condition would the people of England be, if, without any amelioration, this system should be handed over, at some remote period, to a chancellor of inferior talents and virtue—since all men could not be the best? It would be seen that the more the present agents were extolled the more the system would be depressed; and this consideration furnished the best ground for inquiry—this was the foundation of his motion.

When he had brought forward this motion last year, he had been told, among other things, that it was at too late a period of the session: he had remedied this fault now, by bringing it forward thus early, and that, too, at a time which was more particularly convenient for its discussion, on account of the absence of all pressure of other public affairs. Not that he meant to say that this subject ought, for its importance, to yield to any other, but that, as the chief business of gentlemen since the commencement of the session had been to contemplate each other, there could be no reason why this question ought not now to be entered on. The people of England everywhere thought, and did not fail to express that opinion, that they had a right to call for an inquiry upon this topic. Would any honourable gentleman who had constituents deem it expedient to gainsay this right? The labours of that House, to which the people were entitled, could not be better spent than in such an inquiry. He was not, however, sanguine enough to think, that because so many, and such powerful reasons existed for it, it would therefore be entered upon; but he knew that if this was not the day on which the inquiry would be obtained, that it was not very far distant; and he had no doubt that if the House now refused it, they would be compelled ere long to grant it. He was perfectly aware how inveterate were the habits, how robust the prejudices against which this motion had to contend. He knew too well how often, and by what sort of men, this attempt had been made before, and had failed, to suppose that he should now succeed, to the extent to which it was entitled. He bore in mind that the most powerful and resolute man this country ever produced—he could mean no other than the protector, Oliver Cromwell—had, as it appeared by Whitlocke's Memorials, caused a petition to be presented to the parliament, praying "that speedy consideration might be had of the great oppressions, by reason of the multiplicity of unnecessary laws, with their intricacies and delays, which tend to the profit of some particular men, but much to the expence and damage of the whole." And yet this attempt, made by this man when he was at the zenith of his dominion, and in days when lawyers were fewer, and lord-chancellors not so powerful, was made in vain. He inferred his failure, as he (Mr. W.) was inclined to think, not to any defect in the grounds upon which he proposed it, but to the character and quality of the resistance which was made to it. He might suppose Oliver to have said, "I have met my king in the field, and have conquered him; the church I have new modelled, and cast at my pleasure; the people I have kept down, and still hold in subjection; and yet these —— lawyers"—Cromwell did not perhaps use the epithet which he meant to have bestowed on them, because he was too great a hypocrite to swear—"these lawyers can baffle me; against them all my attempts are abortive, and by them alone I find myself defeated." The hon. and learned member then, thanking the House for the patience with which they had heard him, concluded by moving,

"That a Committee be appointed to inquire into the Delays and Expenses in the Court of Chancery, and the causes thereof."

Mr. Secretary *Peel* said, that in rising to offer a few observations upon the hon. and learned gentleman's motion, he was fully aware of his total inability to follow him through the various details into which he had gone. He should therefore leave it to his hon. and learned friends near him, if they so thought fit, to enter into the legal points upon which the hon. and learned gentleman had touched; and to account, if they could account, for the delays which had taken place in cases with which they were not acquainted. But, in his view of the case, it was not necessary to enter into all those details in order to form a competent judgment upon the question [hear, hear! from the Opposition]; or if it was necessary to enter into such details, then a due notice ought to have been given, in order that gentlemen might have come prepared to enter fully into an inquiry of the cases quoted. But, as this was a subject which had for some time occupied the attention of the king's government, he thought it right to put the House in possession of the views which his majesty's ministers entertained upon it. And, in doing this, he begged to assure the noble lord, by whom he had been already irregularly interrupted [hear, hear! from the Opposition benches; but we know not to what noble lord the right hon. Secretary alluded], he assured that noble lord, that it was not in his competence to prevent him from doing so. He had already expressed his determination to avoid following the hon. and learned member through all his details, and would therefore come at once to what he conceived to be the main points of the question which the hon. and learned gentleman had advocated with an ability and a moderation which did him the highest credit.

The main points for inquiry were the delays which arose in the process of the causes in chancery; the cause of those delays; and the remedy, or preparatory inquiry to be entered into. The hon. and learned gentleman had told them, that when delays and expenses in the court of chancery had been complained of on former occasions, gentlemen on his (Mr. Peel's) side of the House had risen, and in a tone and manner which the hon. and learned gentleman said he had seldom seen equalled, denied the existence both of the one and the other. Now, for himself, since he had had the honour of a seat in that House, he remembered no such denial. He did not mean to deny that great delay had taken place in the discharge of business, and that great hardship was the consequence. He readily admitted, in answer to the first question put by the hon. and learned gentleman, that the delays that had taken place were attended with many grievances. He admitted the fact, although it would seem that the hon. and learned gentleman expected a different reply. He admitted the fact without hesitation, because, as he contended, it went to prove, that the delay, which was not denied, was not to be imputed to the lord chancellor, or to any individual as matter of crimination. He could adduce for it other causes, which would demonstrate to hon. gentlemen, if they would give him their attention but for a very short time, that the delay was to be attributed to an increase of business in the court of chancery, with which, under present circumstances, no intellectual and no physical strength could entirely cope.

Having admitted the delay, and being, indeed, quite unable to deny it, his next object, would be to prove that the cause to which it was to be traced was the enormous increase of business, of which he spoke. If any body would compare the amount of business in the court of chancery at this period with its amount of business sixty or seventy years ago, he would find (without any very minute information upon the matter) that, *à priori*, the presumption must be, that the business of the court had immoderately increased. In truth, it was impossible that the population of the kingdom should have increased in the ratio it had done, that it should have about doubled since the year 1750, without causing a vast addition to the business of chancery. Could any body deny that that addition was mainly owing to the increase of population? Let the House look also at the increase which had taken place in the same interval of time in funded property, for example (a species of property that, he was informed, peculiarly induced an augmentation of the business of chancery), and they would find it to be in proportion to the increased population. Now, from the peculiar nature of suits relative to personalty, funded property originated many more suits than property that was real. Undoubtedly, then, the fair presumption was, that since the time of lord Hardwicke, sixty or seventy years since, the population of the empire had so increased, as of necessity to increase the business of the court of chancery. Let the House observe how that presumption was fortified and confirmed by some details that he would very briefly submit to them; and, seeing that the hon. and learned gentleman had dwelt so much and so forcibly on the importance of figures and facts, when he called the attention of the House to those details into which he had so largely entered, and by which he had excited so much merriment in the House, he hoped the House would show so much fairness to him, in his turn, as to listen attentively to a few facts, by which he proposed to establish the position he had assumed.

And, first, he would take "an account of the orders made upon hearing lunatic petitions," during three separate periods. It should be observed, that he proposed to take his data from documents that were already laid before the House. They were appended to the reports made by a committee, appointed by their own House, for the purpose of inquiring into these matters. It was very well known, that a highly important part of the business of chancery arose upon discussions on lunatic petitions. During the chancellorship of lord Hardwicke, from 1737 to 1746, the total number of orders made upon lunatic petitions was 484. During a similar interval of ten years, the number of similar orders made by lord Eldon, from the year 1801 to 1810, was 1,139, being an increase of more than double, as contrasted with the first of these periods; for it was in the proportion of nearly 1,200 to 500. But, in the ten years elapsing between 1814 and 1823 the number of orders upon lunatic petitions made by lord Eldon was no less than 2,531; so that the present lord chancellor had made five times the number of orders that lord Hardwicke had made in a corresponding term of years. Now, it was to be remarked, that he was not so much instancing this as a proof of the quantity of business to be transacted in the court of chancery, as in the way of accounting for the delay that had been imputed. When the hon. and learned gentleman imputed delay to the proceedings of chancery, he had said, indeed, that he meant no attack upon personal character. But he was very sure that the hon. and learned member would not deny, that his object in calling the attention of the House to the various papers and statements that he had read was, that the House might draw this inference; namely, that the delay in question was actually attributable to his noble and learned friend at the head of that court. [Hear, hear, and expressions of assent from Mr. Williams.] The hon. and learned gentleman said, "to be sure;" if "to be sure" was his answer, he (Mr. P.) could only say he felt the more gratified in his position, that the business of the court had increased to an enormous extent. "Appeals to the House of Lords" had created another very important duty, which had devolved upon the lord chancellor. In the ten years, from 1750 to 1760, the number of these appeals was 170; in the ten years from 1760 to 1770, their number was 272. In the ten years from 1801 to 1810, they actually amounted to 492; so that the number of appeals from 1801 to 1810, a period of ten years, was equal to the number of appeals heard in the whole twenty years, that elapsed between 1750 and 1770.

Now, another very heavy branch of duty was produced by the number of commissions of bankrupt, upon the issue of which it was for the lord chancellor to determine. From 1770 to 1779, the average number of these commissions of bankrupt was 709 in each year; from 1790 to 1800, they increased to the number of 1,000 annually; but, during the last twelve years they had augmented to 2,000 per annum; that was to say, that comparing the two periods, 1790 to 1800, and 1810 to 1822, they had doubled during the latter: and thus another proof was furnished of the enormous increase of business in the court of chancery, and especially of that which was to be performed by the lord chancellor. But he now turned to another head of business, and this was connected with "the number of bills filed, concerning orders made, &c." and it appeared that there were filed, in the year 1800, 1,445 bills; in 1820, 2,071; in 1823, 2.27; thus showing, again, an increase in 1823, as compared with the number in 1800, of nearly double, in the number of bills filed in chancery.

Another most important thing to be observed in this part of his statement, and a matter to which he craved the most serious attention of the House, was the amount of property belonging to suitors lodged in the office of the accountant-general. In the year 1740, the total amount of balances, in money, in stock, and securities, in the hands of the accountant-general of the court of chancery, was 1,290,000*l.* In the year 1820 these deposits amounted to 34,000,000*l.* Now, in respect to the extraordinary increase in these sums of money, he well knew it might possibly be argued, that the very amount of monies in the hands of the accountant-general was one effect of the delays of chancery. He was aware that this argument might be used by the gentlemen opposite, though it might be very difficult to ascertain what portion of such monies was accumulated by delay, and what was attributable to the growing wealth of the country. With a view to elucidate this subject, he would select different periods of 20 years each, and he should prove, that it had been the tendency of events to double these sums in each successive period. Beginning, then, with the year 1740; it seemed that in that year the amount in the accountant-general's hands was 1,290,000*l.* In the 20 years ending 1760, it had increased to 3,000,000*l.* In the next 20 years, ending 1780, it had doubled, and more than doubled, what it was in 1760, for it was 7,000,000*l.* Now, for the increase of these sums during these periods, the present lord chancellor was certainly not responsible. But, between 1780 and 1800, they were augmented from 7,000,000*l.* to 17,000,000*l.* From 1800 to 1820, they had increased to 34,000,000*l.*

Now, surely he had brought conclusive proof of the proposition that he had been endeavouring to establish; namely, that, from whatever cause, the increase of business in the court of chancery, of late years, was too great for human strength to cope with. Taking the five criteria which he had assumed, lunatic petitions, orders, bills filed, appeals, and bankrupt commissions, he thought it impossible to deny, that during the present chancellorship the business of chancery had increased four or five fold. When delay, therefore, was imputed to the noble and learned lord who presided over it, the House was bound in justice to him, and on every principle of common justice, to compare the quantity of business which had devolved upon that noble and learned lord, with the quantity transacted by his predecessors. When he considered what were the claims upon the attention and time of that noble and learned lord, and what was the severe nature of the manifold business that he had to perform, he did hope that it would not be attributed to the feelings of private friendship and respect, that he entertained for that noble and learned lord, but that the House would give him credit for a sincere and dispassionate declaration, when he protested, that he was astonished, not at the quantity of business that was left undone by his noble and learned friend, but that human ability and strength could effect so much. Let them only consider this fact—that in the course of ten years there had been presented to that noble and learned lord 2,000 bankruptcy petitions annually, and it was really annoying to reflect upon the thousands of commissions that he had to issue. When a man considered the amount, extent, and importance of the different matters that had been enumerated, let him ask himself, how it was possible for any one individual to get through such a multiplicity of business? But, let honourable gentlemen look at the attendance of the lord chancellor in the House of Lords. On this point he would cite two cases only, the Berkeley and the Roxburgh peerages. What was the nature of the noble and learned lord's attendance in the Berkeley case? The committee of privileges in the House of Lords sat, in one year, upon the Berkeley case for sometime, from 10 o'clock till four every day. The number of days upon which, in that single case, the noble and learned lord was called on to attend was 34. The Roxburgh case required of the same noble individual 36 days' attendance for the hearing; the appeal lasting 44 days altogether: so that two cases alone called for the lord chancellor's attendance on no less than 70 days. What was his noble and learned friend to do? How was he to conduct himself on such occasions? Was he to refuse his attendance in the committee of privileges, and to withdraw himself? And if he duly attended his duty in the House of Lords, was it matter of surprise that delays should arise in the proceedings before him in the court of chancery; or was it to be imputed to him that lamentable and injurious consequences sometimes ensued to suitors on that account? He had been informed upon good authority, and indeed by Mr. Cowper (a gentleman well known, for his intelligence and experience, to all who were in the habit of attending in the House of Lords), that in the Roxburgh case one counsel alone had occupied the Lords—how many hours did hon. gentlemen suppose? When they blamed the noble and learned lord for delay, they were bound to inquire whether it was not just possible, that counsel might have some share in producing that delay. [Hear.] He observed those cheers, and well knew that he was at present placed in something like the situation of Oliver Cromwell, who confessed that he had found quarelling with lawyers a somewhat dangerous engagement. But, when delay was charged elsewhere, be it known that a counsel, whose name he really did not know, had occupied the committee of privileges in the House of Lords—not eighteen minutes, as some might suppose, —nor for eighteen hours, as others would anticipate,—but for eighteen days. Incredible as the fact might seem, it not only appeared upon the minutes of evidence taken before the House of Lords, but it rested upon the information, also, of their officer, Mr. Cowper. If there was any mistake in the statement, not only Mr. Cowper but the Minutes were in error.

What he had now stated, appeared to him to amount to a complete vindication of the lord chancellor, as far as related to the question of delay on his part, and to demonstrate that such was the present state of business in the court of chancery that it was impossible for abilities, however great, or a constitution, however strong, to bear the fatigues which the country imposed upon the individual who presided over it [hear]. He was proceeding step by step, and was always glad in the course of an argument, to hear how far those to whom he might happen to be opposed concurred with him; and he therefore hailed the cheers that proceeded from the other side with pleasure. If gentlemen on the opposite side would admit, that what he had stated was a complete vindication of the hon. and learned judge, he would admit to them, that they had made out a case of complete justification for inquiry and consideration, in respect to his court. It was quite impossible for him to deny, upon a review of all that had been said as to the constitution, the proceedings, and the delays of the court of chancery, that the time was now come when the whole of these matters should be thoroughly inquired into. In the course of the last session, the attention of the House of Lords had been drawn to the state of the Appellate Jurisdiction; and in the result of their inquiries, the Lords had come to the same conclusion at which he had arrived. The words of their committee were, "There is now a manifest impossibility that any person holding the great seal can find the time that is requisite for the execution of the offices of Lord High Chancellor and of Speaker of the House of Lords, and for the transaction of all the other business incidental to those high offices." With a view of remedying the evils that were occasioned by the state of the Appellate Jurisdiction, the committee in question recommended, "that a committee be instituted for the purpose of inquiring into the forms of proceeding observed in the Scottish courts of justice." That committee was formed; and he would only say of it, that it had terminated its labours with great success, and had given great satisfaction to that part of the country to which those labours were more immediately addressed. In the concluding part of their report the commissioners entered into an explanation of the state of business in chancery. Many important alterations, upon this important subject, were then noticed as having been suggested; but they concluded their report by declaring, that they could form no decided opinion upon these matters; acknowledging, however, that many recommended especially, the removal, from the business of the lord chancellor, of lunatic and bankrupt petitions. They stated further, that all these were points of such great importance, that they would recommend their being maturely considered. Since the time when this report was prepared, the attention of the lord chancellor himself, he was authorised to say, had been directed to the same subjects. It was stated in the report, that the orders made by former chancellors, as to the practice of the court, were then under consideration. It was, indeed, then intended to ascertain which of these were most conformable to the present practice, and when these should be submitted, the Lords would determine upon such alterations as it might be deemed most expedient to propose.

Now, having stated thus much, he was further prepared to say, that his noble and learned friend had himself recommended the adoption of some alterations. That noble and learned lord had advised, that a commission from the Crown under the great seal should issue, for the purpose of considering and inquiring into the present condition of many important matters connected with the court of chancery; that it should examine into the state of its jurisdiction, and into many of the points to which the proposed committee of the hon. and learned gentleman was to address itself. Indeed, into all of those with one exception only. That was, the political powers and the political character of the lord chancellor—a point which he (Mr. P.) considered to be a great one, and such as neither the hon. and learned gentleman's committee, nor the commission that had been just adverted to, was properly competent to discuss. Sure he was, however, that the hon. and learned member would agree with him, that to divest the lord chancellor of the political duties of his office, would be to do an act that ought not to be determined upon, except upon the gravest and most careful deliberation. He was equally sure that the hon. and learned gentleman would bear in mind, that this objection to the investment of the lord chancellor with political and judicial powers, had not always been felt, even by those who thought and acted with that hon. and learned gentleman. This extreme objection to the union of political and judicial functions, in the case of a late noble and learned lord who once presided over the criminal jurisdiction of this country (lord Ellenborough), had undoubtedly not been felt even by the hon. and learned gentleman himself. Without meaning to apply any thing like the *argumentum ad hominem* to that hon. and learned gentleman, he would only say, that in the case he alluded to, the objection really did not appear to have operated with some members who might now maintain a different principle.

But the hon. and learned gentleman proposed that a committee should inquire into the expenses of the court of chancery, and into its delays and the causes thereof. He had no hesitation in saying, that he believed very great benefit might be derived from such inquiry. The hon. and learned gentleman had entered into the details of a case of great hardship; but it was possible that very objectionable forms might have been once used that were not now in practice. The hon. and learned gentleman had found a case in which a bill in chancery consisted of 90 folios, six only of which, he said, were relevant, and the other 84, he observed, might well be dispensed with. Now, he had no difficulty in stating his belief, that the reduction of those 84 folios might be an important matter, not only in point of justice, but also in point of economy. Upon the subject of that fund which was called the "dead money" fund, the hon. and learned member had asked, why should not the accountant-general of the court of chancery give, from time to time, an account of the monies in his hands, under these circumstances, on the same principle that the Bank of England published at stated intervals an account of unclaimed dividends remaining in their coffers? Really, without understanding any thing about such matters, practically, and speaking only as an unenlightened man without experience, he should say, that the hon. and learned gentleman's suggestion was a proper one; and, indeed, he only claimed to reserve his opinion upon it, upon a ground which the hon. and learned gentleman would not dispute, namely, lest any thing should arise that might induce him to think differently upon the expediency of such a proposition. He had as little difficulty in declaring, that he thought the whole proceedings of every suit in chancery, from its institution to its termination, ought to be narrowly watched and exactly traced; and that every stage (of course he was speaking prospectively) ought to be accurately considered, in order to see how far the business might be expedited and the expenses retrenched. Great benefit undoubtedly might result to the public from such a course of observation. As to the bankruptcy petitions, they formed a part of the lord chancellor's duty which was not constitutionally inherent in his office, but had devolved upon him by act of parliament. On this topic, he admitted that the lord chancellor had too much business imposed upon him, and that the object of the commission which he had alluded to ought to be to inquire what part of that business could properly be abstracted from him. Upon this subject, it was of importance to notice that a great difference of opinion had prevailed among legal men. The late sir Samuel Romilly had differed from the hon. and learned mover, as to the propriety of continuing to the noble and learned lord the jurisdiction in bankruptcy cases.

As to the inquiry proposed by the hon. and learned gentleman he had no objection to its being instituted, if it were intrusted to the most competent authorities. As to the constitution of such a commission, he well knew how difficult it was for a man to divest himself of his own particular prejudices; and therefore, perhaps, the hon. and learned gentleman, would suppose, that his (Mr. P's) only object was, to defeat his motion for a committee. He meant, however, to declare his own conviction, that a commission might be issued to inquire into the subject, and that it would answer the purposes of the public much better than a committee of that House. That commission might be directed to persons who, from the habits of their lives, were peculiarly fitted to execute its objects—to the judges, to the high practitioners of the law, and to those who had retired from the judicial seat—to lord Redesdale, and sir William Grant. [A laugh.] He did not see why his mentioning the names of lord Redesdale and of sir W. Grant should have excited a laugh. He observed the dissent expressed by the hon. and learned gentleman; but that hon. and learned member was not in a situation to see the sneers that had been occasioned by the mention of those names. After retiring from their high situations with the universal approbation of their fellow countrymen, if these enlightened individuals could be induced to form part of such a commission, much benefit might the country expect from the experience of those who had retired with such honour from the judgment seat. If to these were added some of the senior masters in chancery, could it be doubted that such a commission would be better qualified to consider such grave matters, than any committee of that House which the hon. and learned gentleman could propose? Now it was precisely such a commission that the lord chancellor had advised the Crown to appoint; and he (Mr. P.) should support it, because he believed that it would be more effectual than any other. Dealing in perfect candour with the hon. and learned gentleman, he would tell him that such a commission as he (Mr. W.) had now proposed, and had last year proposed, would have the semblance of a crimination of the lord chancellor; and he for one would oppose any motion that should seem to criminate a judge who had presided for two-and-twenty years in the court of chancery, with so much honour to himself and benefit to the country, as the present lord chancellor had done.

Having said thus much, he would abstain from observing on the political character, and the great abilities of lord Eldon. He knew that he would not be entitled to much attention, were he to speak of him in a political sense. The House would remember that they had nothing to do, upon the present occasion, with the political character of the noble and learned lord. His judicial character alone was under their consideration: and in that capacity the noble and learned lord was, according to his judgment, entitled to the gratitude of the country. No man had ever been more exposed to the most base and unmerited obloquy than the lord chancellor had been. He (Mr. P) well knew, that the spirit and the principles of men of honour would prevent that nobleman's warmest opponents in that house from giving their protection to such calumnies; but misrepresentations of the most unjustifiable nature had been made in quarters which the lord chancellor could not possibly notice. He had been described as a man realizing enormous emoluments, and resisting every attempt at a reform in the court over which he presided, by which those emoluments might be in the most distant manner affected. Never was a charge more unfounded than this brought forward. As to the profits of the chancellorship, they might be large, but, would any man in the country say, not upon views of a private nature merely, but upon the highest reasons of state, that such an officer ought not to be splendidly paid? The fact was, however, that, during the last three years, the average produce of the lord chancellor's whole emoluments had not amounted to more than 12,000*l.* a year. Surely none of the hon. gentlemen opposite would grudge to the laborious discharge of such various and heavy duties such a remuneration to the lord chancellor of England! Let them only think of what vast importance to the state it was, that a man should be tempted to remain in such an office, and relinquish that private and more extensive emolument which in another situation, he might realize. The economy which would seek for a diminution of the lord chancellor's income, would be a miserable economy. When any proposition had been made to relieve the present lord chancellor from any part of the duties of his office, he had always proposed that the person selected to discharge it should be paid by himself, individually. What charge, then, could be more unjust than the one which had been made; seeing that the lord chancellor had directed, that the salary of these deputies should be deducted from his own income? Contrary to his lordship's wish, parliament had determined that only one half of the vice-chancellor's income should be provided by the chancellor; but this half, a sum of 2,500*l.*, was annually taken from his lordship's purse. When such base insinuations were thrown out against such an individual, the public had an interest in becoming acquainted with facts of this nature. Not long ago the office of the Secretary of Bankrupts was newly regulated, and, like the Bank of England, it had been previously allowed a certain number of holydays; but the lord chancellor, with a view to the dispatch of public business, and for the benefit of suitors, had insisted that the office clerks should attend every day. It became, therefore, necessary, that they should be endowed with additional emoluments; and, from what funds did the lord chancellor of England provide them? With a disinterestedness never known before under such circumstances, he had furnished them from his income;—a sacrifice which, in three years, amounted to 13,000*l.* paid to public individuals for the discharge of their public duty. It had been stated, moreover, upon authority which if now alive would give the statement the widest contradiction, that the lord chancellor invariably despatched lunatic and bankrupt petitions, because he derived emolument from their despatch. Now, the fact was, that though the nature of these cases at all times required the utmost expedition, he received not a single sixpence for despatching them. He was now occupied in hearing a bankrupt petition. He knew not how many days the hearing had lasted; but this he knew, that the lord chancellor's fee upon it, was 12*s.* 6*d.* and, was 12*s.* 6*d.* a fee that was to induce the lord chancellor of England, to commit a manifest injustice, by taking a bankrupt petition out of its course! The calumnies which he had noticed, he knew were not sanctioned by the hon. and learned gentleman who brought forward the present motion, nor by those who supported him. The hon. and learned gentleman admitted the integrity of the noble and learned lord; but the charge from the hon. and learned gentleman was, that the decisions of the court of chancery were attended with delay, to the prejudice of the suitors of that court. To that he would reply, that if there could be found an individual highly gifted, who had filled that high, arduous, and responsible situation for more than twenty years; who, to unrivalled talents, to profound and varied knowledge, had united unspotted integrity and honourable fame; if such an individual could be found, to the honour of his profession and of his rank, he should think, that in the eyes of the House, the recollection of his virtues, and of his honourable labours, would obliterate all minor faults—if any such could be brought home to his door. His faults, if he had any, proceeded from an anxious and conscientious desire to promote the best purposes of justice. In whatever way the question was viewed, it must be acknowledged that—

> "E'en his failings leaned to virtue's side;"

and the unwillingness of the lord chancellor to pronounce judgment, not unfrequently, perhaps, arose from a knowledge, that the effect of it would be, to raise one family to prosperity, and to inflict ruin upon another. Allowances ought, in mere charity, to be made for human infirmity, even if the delay arose in a few cases from constitutional defect; and, into the opposite scale should also be thrown the ready admission of all parties, that the individual in question possessed as many high talents and as much spotless integrity, as had ever adorned the legal profession. Not only did these delays arise from the enormous mass of business, to which he had already referred, but they were produced sometimes by other causes. It was true, as the hon. and learned gentleman had said, that the lord chancellor was sometimes called away from his court, and that a promised decision had sometimes not been pronounced. He could state instances in which the noble and learned lord had been called away from the consideration of causes in the court of chancery to attend to business of a different description. He (Mr. Peel) himself had frequently been the occasion of withdrawing the lord chancellor from the court over which he presided, to attend to the Recorder's report; on which it was the duty of the lord chancellor to give his advice to his majesty. The noble and learned lord was in this manner very frequently prevented from the contemplation of equity causes to the consideration of those cases in which were involved the question of life or death. It had fallen to his lot to send to the lord chancellor at the rising of his court, to inform him, that on the ensuing morning his majesty would receive the Recorder's report, containing, probably, forty or fifty cases. On proceeding from the court of chancery, the noble and learned lord would, as was his uniform practice on such occasions, apply himself to the reading of every individual case, and abstract notes from all of them; and he (Mr. Peel) had known more than one instance, in which he had commenced this labour in the evening, and had been found pursuing it at the rising of the next sun. Thus, after having spent eight hours in the court of chancery, the noble and learned lord often employed twelve or fourteen more in the consideration of cases which involved the life or death of the unhappy culprits. If, in consequence of the various duties which the lord chancellor was called upon to execute, some delay should arise in the proceedings in chancery, could it be imputed as blame to the individual, when it was known that his whole time was devoted to the service of his country? If, indeed, it were the disposition of the lord chancellor to indulge in pleasures and idle amusements, he might justly be blamed for the delays which occurred in his court; but when, as was really the case, that individual had for a period of two-and-twenty years, denied himself every indulgence, shunned every pleasure, and secluded himself from the society of the world, in order to devote his whole time to the performance of his public duties, it would be the most unjust thing possible to make it matter of crimination against him, that he was not able to compass the whole of them. He would admit, that no considerations of personal feeling ought to prevent the House from doing what it considered proper to be done, with regard to the question which had been brought before it; but, on the other hand, when he recollected the speeches which were made last year, he could not, notwithstanding the moderation of the hon. and learned mover on the present occasion, get rid of the impression, that the motion before the House was a continuation of that of last year, and that such would be the inference which it would draw from the proceeding, and he therefore called upon the House to reject it. He was perfectly satisfied that if the House did so, the country would confirm its decision. The people of England were not ungrateful to those who had served them. When the House recollected, that the individual whose conduct had been made the subject of discussion, had for two and twenty years, administered justice in the highest court of the country; when they recollected, that he bore the honoured name of Scott, which, notwithstanding the temporary obloquy which had been cast upon it, illustrated as it was, by the services of an Eldon and a Stowell, would shine conspicuously in the judicial annals of the country, he trusted that they would testify their confidence in his talent and integrity, by rejecting the motion, which had been brought forward; and he was convinced, that the people of this country, would be generous, and just enough, to acquiesce in the decision of their representatives. [Hear].

Mr. *Abercromby* said, that he would not have presented himself to the notice of the House, but for some observations which had fallen from the right hon. gentleman who had just sat down. He begged to offer his sincere congratulations to his hon. and learned friend upon the success which had attended his efforts; but the congratulations which he wished to offer to the public must, in consequence of what had fallen from the right hon. secretary, be subject to some qualifications. The right hon. gentleman had said, that it was the intention of his majesty's ministers to have proposed the appointment of a commission, whether the present motion had been brought forward or not. That declaration having been made, he was bound to give credit to it; but he was sure that the public would attribute the institution of any inquiry into the proceedings of the court of chancery, with a view to their amelioration, to the undaunted zeal and to the distinguished ability of his hon. and learned friend. The determination to which his majesty's ministers had come would be regarded by the country, in no other light than as a capitulation at the opening of the second campaign. He was desirous of making a few observations with respect to the commission which was about to be established, because the right hon. gentleman had assumed a proposition the correctness of which, though he did not deny, he very much doubted; namely, the inability of the lord chancellor to perform all the functions of his office, as they had been performed heretofore by his predecessors. The right hon. gentleman had stated a variety of facts with respect to the increase of business in the court of chancery, and from those facts he had drawn the conclusion to which he had just alluded, and which must either have been suggested to him by others, or have presented itself to his own mind. The first point upon which the right hon. gentleman had dwelt was, the increase of business in the lunacy department. On that head, he would now repeat what he had stated last session, and which had remained uncontradicted because it was incapable of receiving contradiction; namely, that there was no kind of business which devolved upon the lord chancellor which, with few exceptions, occupied so little of his time, as matters of lunacy. The most important point to which a commission of inquiry could direct its attention, would be, to ascertain what had been the effects of the institution of the vice-chancellor's court. It was highly desirable to know what had been the operation of that measure. He called upon ministers to consider the whole business of chancery in detail, to see how much was done in the court of chancery, how much in the vice-chancellor's court, and how much by the master of the rolls; and then to declare, whether there was any ground for saying, that the lord chancellor was unable to perform the duties of his office as they had been performed heretofore. He had always considered, that the vice-chancellor's court would form a most important object of inquiry, and he had taken the pains to ascertain the present state of business in that court. He wished the House to bear in mind, that no original cause was set down for hearing before the lord chancellor, he heard only cases of appeal. In considering the state of the business before the lord chancellor, the number of bills was a circumstance of little importance, because the causes had originally been disposed of by the vice-chancellor and the master of the rolls. With respect to the master of the rolls, however, he was compelled to say (whatever was the cause), that that judge had not done much; indeed, he might call on his hon. and learned friends opposite to state, whether they had ever known in modern times a master of the rolls who had given so little assistance to the business of the court of chancery as the present master had done? The fact of the vice-chancellor hearing all the original causes was an unanswerable argument against the conclusion to which the right hon. gentleman had come, with respect to the inability of the lord chancellor to execute the duties of his office, as those duties had been performed by former lord chancellors. He would now inform the House what was the present state of business in the vice-chancellor's court, which he had ascertained from personal inquiries. The demurrers had been heard up to last Hilary term. The original causes set down in last Easter term were now in a course of hearing. Further exceptions and directions had been disposed of up to the long vacation. The bankrupt petitions had been heard up to the same period; and, according to the average rate of proceeding, it was likely that, before the end of the present sittings, the whole of the causes filed in Easter term, and probably those filed in Trinity term, would be disposed of.—The right hon. gentleman had stated, that there was a great increase of bankrupt cases; but he had omitted to add, that a large proportion of them were heard by the vice-chancellor; and further, that the hearing bankrupt petitions did, in a small degree, impede the ordinary business of the court, because they were heard at the end of the sittings, and only protracted the labours of the judge for a few days. Hence it appeared, that the vice-chancellor was now doing all the business which the lord chancellor used to do. When the vice-chancellor's court bill was before the House, one of the great objections to it was, that after the establishment of that court, every cause would be heard twice by way of appeal, and that a great additional expense and hardship would thereby be incurred by the suitors. That was an obvious argument, and one which it was difficult to answer. It would therefore reasonably be supposed, that every difficulty consistent with the due administration of justice would have been thrown in the way of persons wishing to enter appeals from the decisions of the vice-chancellor. The contrary, however, was the fact. It was true, that when a decree was pronounced by the vice-chancellor in a cause, it was required, before an appeal from his decision could be heard, that an opinion in favour of such a proceeding should be signed by two counsel. The object of that proceeding was, to guard suitors against entering appeals which were not likely to be attended with success, and could only cause additional and unnecessary expense. But, in an important part of the business in chancery, namely, motions, the lord chancellor had dispensed with any security against unnecessary appeals; and parties who had been defeated in a motion in the vice-chancellor's court, were permitted to hurry into the court of chancery, and re-debate the question before his lordship.—There was another circumstance of extreme importance with respect to appeals, to which he could not help adverting. It would have been supposed, that if any principle of equity should be held more sacred than another, it ought to be this, that no appeal should be heard before a superior tribunal, except on the same documents and grounds on which it had been argued before the inferior tribunal. But how did the case stand? Parties who had been unsuccessful in their motions upon affidavit before the vice-chancellor, finding the weak parts of their case, were in the habit of preparing fresh affidavits, and, going before the lord chancellor with an amended case, they frequently obtained from him a contrary decision to that which had been given in the inferior court. The effect of such proceedings was extremely injurious to the reputation of the vice-chancellor, whose judgment was supposed to be in opposition to that of the lord chancellor; whereas, the two judges had decided upon different cases.—The same want of security against unnecessary appeals which was so justly complained of in cases of motions, also existed with regard to bankrupt petitions. The increased facility which was given to appeals operated to the injury of suitors, the delay of business, and to the prejudice of the inferior judge. The right hon. gentleman had said, that the propriety of an inquiry into the delays in the court of chancery had frequently been the subject of discussion in the House of Commons, and that the establishment of the vice-chancellor's court was one of the expedients which had been adopted for the purpose of remedying the delays complained of. The right hon. gentleman was quite wrong on that point. The vice-chancellor's court was not established with any view to the state of business in the court of chancery, but only with a view to the state of business in the House of Lords: and that was distinctly stated in the preamble of the vice-chancellor's court bill.—With respect to the propriety of an inquiry taking place into the proceedings of the court of chancery, he thought that no man could entertain a doubt after reading the bill of costs which had been produced by his hon. and learned friend. He would be content to rest the question upon that document alone. The test by which he would propose to try the conduct of the lord chancellor in his judicial capacity would be, by having a statement drawn up of the time when the different appeals were made; when they were put into his lordship's paper; how many times they had appeared there; when judgment was obtained upon them; and what costs had been incurred. The bill of costs which his hon. and learned friend had produced spoke volumes. Nothing could more clearly demonstrate the imperfections of the present system than that bill, every item of which had been allowed by the master.—He would now only trouble the House with a few observations with respect to the commission which it seemed was to be appointed. The whole merit of that commission would depend on its composition, and on the intent and object of those who appointed it. It might, perhaps, be the effect of those habits which were acquired by every person who took a part in the debates in that House, but he must confess, that he did not place much confidence in the proposed commission. There was not a single fact which his hon. and learned friend had stated, which could be considered as a discovery. Every thing which he had stated had long been perfectly notorious to every person who practised in the court of chancery; and if it were known to those who practised in the court, how much better must it have been known to the individual who presided there. The present lord chancellor had been in office during two-and-twenty years, and it was now, in 1824, in the second year of the motion for inquiry, that a commission was to be appointed for that purpose. These were circumstances which he could not dismiss from his mind. All the hon. gentlemen opposite, who had taken a part in the debate on his hon. and learned friend's motion last session, had treated the question as if it were a personal attack upon lord Eldon. He could not help thinking that a feeling of that kind would be an ingredient in the composition of the commission. It was consistent with human nature that it should be so. It was impossible that the lord chancellor could divest himself of such a feeling; and he did not find fault with him for not being able to do so. But, it should be recollected, that it was by his lordship's advice that the commission was to be appointed, and it would, in all probability, be by him that the members would be named. He (Mr. A.) would not trust his dearest friend with such a power, if he stood in the lord chancellor's situation. He would say to him, "You are the last man who ought to have any share in the appointment of those persons." It was impossible to place any confidence in a commission, which should be so appointed. It was absurd to suppose that a person connected so deeply as the lord chancellor was with the question, could be a person qualified to nominate the members of the commission. The public would not believe that the object of a commission so appointed was to promote their benefit, so much as to defend the lord chancellor against any case that had been, or was likely to be, made out against him.—[Hear, hear.]

Mr. *Lockhart* suggested to the hon. and learned member for Lincoln, that it would be advisable to withdraw the motion for the appointment of a committee, as such a proceeding would not preclude the House from again considering the question at a future period, if it should be thought proper so to do. He however, thought it would be improper to let the lord chancellor have the nomination of the commission.

Mr. *Brougham* said, he wished to state the reasons why he was disposed to approve of the withdrawing of the motion. If he thought by that step the House would part, with that most constitutional mode of inquiry into abuses of the description of those which had been brought under its notice—he meant the exercise of the inquisitorial functions of that House—he would not only express his disapprobation of the withdrawing of the motion, but would feel it his duty to divide the House on the question. But that would not be the case; the House would not lose its control over the subject which had been brought before it, by meeting the question in the way which had been suggested. He not only congratulated his hon. and learned friend, the member for Lincoln, on account of the distinguished talent which he had that night displayed, surpassing, if possible, those which he had exhibited on the same occasion last year, but he also congratulated the country, on the great practical benefits which had already resulted from his hon. and learned friend's exertions in the great cause which he had undertaken. That the project of a commission had been suggested to him by others, he was bound to believe, because it had been asserted. That it would have suggested itself to the noble and learned lord's mind, but for the exertions of his hon. and learned friend, was another proposition, the affirmative of which he had not heard asserted, and the negative of which he most entirely and firmly believed. That the idea never would have entered entirely into the noble and learned lord's contemplation, but for his hon. and learned friend's motion last year, he believed every man in the House must be satisfied of. Nay more; he believed it never would have entered into the noble and learned lord's contemplation, had it not been for the notice of the present motion.—With respect to the mode of inquiry which was to be adopted, he, personally, had no cause to complain, because it was the same which he had proposed last year, with respect to the Scotch courts. Every thing, however, would depend on the constitution of the commission. That the commission should be recommended by the lord chancellor, was one thing; but that that noble and learned lord should take upon himself the responsibility of naming the individuals who were to be charged with the functions of inquiring into his conduct, really appeared to be a circumstance all but incredible. That the lord chancellor—who hesitated about all other matters; who, on all other occasions, exhibited so much of that indecision which his friends charged him with, in extenuation of other charges of a graver nature—should, without any doubtings, falterings, or indecision whatever, make up his mind at once to take on himself the task of nominating the judges who were to inquire into his judicial conduct, was one of the most remarkable anomalies, one of the most extaordinary inconsistencies that had ever came within his knowledge. He must say, for his part, that if the commission was to be nominated in the manner in which he supposed it would be, from what had fallen from the right hon. secretary opposite, his hopes of a beneficial result from their labours would be extremely moderate. He would wish the plan which was adopted with respect to the appointment of the commission to inquire into the abuses of the Scotch courts, to be followed upon the present occasion. In that commission, together with persons in office in Scotland, were appointed individuals who had no connexion with the courts at all, who, because it was known that they were nominated by a noble lord who possessed the highest influence in his majesty's councils, were morally certain of acquiring great weight and influence in the commission. Now, he firmly believed, that if the Scotch commission had been framed without an infusion of members from this country, it never would have produced a report of the slightest consequence to the House or the country. Nobody acquainted with Scotland would dispute that the Scotch commission would have been worse than useless, had it not comprised amongst its members persons who were unconnected with the courts which were the object of inquiry. He understood that the present commission was to be composed entirely of persons connected with the court of chancery. Undoubtedly, there ought to be some persons connected with the court of chancery in the commission; but, if it were to be composed wholly, or for the greater part, of persons who held offices or who practised in that court, it would be the merest mockery ever attempted to be imposed on the country. It would be useless to appoint persons to act in the commission who, he would not say partook of the profits of the present system, but having been born and bred in the midst of it, had grown probably callous to its effects, and would be inclined to look on some matters which he or the right hon. gentleman opposite, would be inclined to consider a monstrous abuse, as a very trivial affair. The only remedy which the House could have, if the committee was to be appointed in the manner which he had described, was, to provide that there should not be a report merely of, the result of the inquiry, but that all the evidence which might be taken should be published, with the names of the witnesses ["Hear," from Mr. Peel]. That certainly would be one check; but that was not sufficient; much depended on the manner in which the inquiry would be carried on. If two persons were appointed whose objects were to shelter abuses and stifle inquiry, and two others were appointed who really desired to elicit truth, those two parties, although they would examine the same witnesses, would come to conclusions directly opposite to each other. Before, therefore, he could entertain any sanguine expectation of good accruing from the proposed commission, he must know something of its nature; and he was here speaking rather of the individuals who were to compose it than of the instructions they were to receive, which every body knew might be so worded as to meet, with apparent effect, the grievance complained of, and yet, when carried into practice, might be totally nugatory. Before he could look forward to any advantageous practical results from their inquiry, he must know whether the individuals selected to conduct it were qualified by their talents, knowledge, and experience, for such a task; and whether they were likely to have grown callous to the abuses they were appointed to investigate, from being long accustomed to witness them. If they were persons of that description—if their lives had been passed amidst legal forms and technical subtilties,—then he must say, that he should look upon the proposed commission as nothing less than a mockery and a deception, and a fraudulent device to shelter from destruction abuses which were too flagrant to admit any longer of palliation or defence. However, as the court of equity was not the only court in which abuses existed at present,—as there were delays in the courts of common law, extremely distressing in themselves, but far less mischievous than those in the courts of chancery,—as there was another evil in all our courts still more pernicious than the delays in any of them, namely, the enormous expense of law proceedings—an expense which was so notoriously overwhelming, as to induce individuals frequently to submit to unjust demands rather than obtain a ruinous triumph by contesting them—he trusted that all these grievances would become the objects of future inquiry, and, if the commission were properly constituted, even of their investigation. If they were not submitted to its examination, he hoped that some honourable member would come forward with a motion, to submit them to the examination of a distinct commission; for the abuses in question were so inimical to the due administration of justice, as to require instant suppression. For his own part, he could not help asking, would it not be better to begin with them immediately, than leave them for subsequent inquiry? Would it not be better at the very outset of the inquiry, in the first step of its progress, to add to the powers of this commission the power of investigating the abuses of the courts of common law, and thus to give the country the prospect of having the lesser evils under which it laboured, put in the same course of remedy that was going to be applied to those which were more severe and inveterate? An hon. and learned friend suggested to him, that the equity side of the court of exchequer, as it was nearly the same, in practice, as the court of chancery, should at any rate form part of the subject into which the commission should be ordered to inquire. He was certain that it would richly repay any attention the commission might bestow upon it; and trusted that if it were ordered to inquire into the courts of common law, it would not fail to include in its labours both sides of the court of exchequer. Before he sat down, he could not help saying a word or two upon the defence which had been set up for the delays of the court of chancery by the right hon. secretary for the home department. Those delays, it was said, were occasioned by the great increase of judicial business that had taken place in that court, especially in cases of lunacy and bankruptcy. Now, the increase of business in the courts of common law, far exceeded the increase in the courts of equity, but had not been attended by anything like a proportionate increase in the time of transacting it. When lord Mansfield was alive, he was thought to have performed a great thing when he tried 60 causes in one sittings. The late lord Ellenborough had not tried, but had seen set down for trial at one of his sittings, no less than 588 causes. He allowed such a number to be rather extraordinary: but he could not refrain from stating to the House, and stating most positively, that the average number at present was from 300 to 400 for each sittings—an increase of business which, he again repeated, far exceeded any that had taken place in lunacy and bankruptcy business in the court of chancery. He knew that the House had sanctioned, and, as he thought, very unwisely, a measure to get rid of the arrear of business in the courts of common law; but that arrear was very small, when compared with the arrear of lunacy in the courts of equity. The delay, too, in the courts of common law was very inferior to that in the court of equity. Indeed, in some cases, the courts of common law acted with great rapidity and despatch. His hon. and learned friend on the other side would recollect, that a case had been tried at the last sittings on the 20th of December, in which the cause of action had not accrued on the 20th of the preceding November. He knew that the decision to which the court then came, was not final upon every point in dispute, but when was any preliminary decision ever obtained in so short a time in the court of chancery? He did not mean to say that there were no delays in the courts of common law; by no means. He knew that there were too many, and was anxious to remove them; all he meant to say was this, that the delays of the courts of common law vanished into perfect insignificance, whenever they were compared with those of the court of chancery. In conclusion, he expressed his gratitude to his hon. and learned friend the member for Lincoln, for the unwearied attention which he had bestowed upon this question, and congratulated him upon the great advantages which he had already obtained for the public, in obtaining from the ministers of the Crown an admission, that there were abuses in the court of chancery which demanded reform. Reflecting, however, that the ministers had undertaken to appoint a commission to take the subject into consideration—recollecting that the House had full power to superintend and control the proceedings of that commission—considering that the original question remained uncompromised by any thing which had taken place that evening—being left at full liberty to form his opinion of that commission, according to the manner in which it might be constituted and perform its duties, he could not help counselling his hon. and learned friend, not to take the sense of the House on the motion which he had just made, but to wait patiently till he saw the result of the labours of the proposed commission.

Mr. Secretary *Canning* observed, that after the recommendation with which the hon. and learned gentleman who had just sat down, had concluded his speech, it was not his intention to trespass long upon the time and patience of the House. But, as the speeches of two of the hon. and learned members who had followed his right hon. colleague, the secretary for the home department, appeared to turn almost entirely upon the effectiveness and sincerity of the proposed commission, he thought that it would be satisfactory not only to the House, but also to the country at large, to have an assurance, not only on the part of the noble lord who was thought to be most interested in this question, but also on the part of others of his majesty's ministers,—an assurance which, for his own part, he most willingly gave,—that the inquiry into which that commission was to enter should be as sincere, as impartial, and as effectual as it was possible for man to make it. Even if any disposition existed to trifle with so important a subject, hon. gentlemen must be aware, that no government, in the present enlightened state of the age, could, after consenting to institute an inquiry, conduct it in such a manner as to prevent it from arriving at a salutary and beneficial result. He, therefore, was of opinion, that to anticipate a satisfactory and auspicious conclusion to the labours of the commission, would be more consistent with candour and good feeling, than to augur nothing but disappointment, mockery, and deception. The points into which the commission would be more particularly instructed to inquire would be; first, whether it was possible to lessen the time consumed; and secondly, whether it would be possible to lessen the expense incurred, by suits in equity. The third point, which was, perhaps, the most important of all, would be, whether any portion of the business now discharged by the lord chancellor of England, could, without detriment to the public, be turned over to any other; and if to any other, to what public officer? These points would form the principal subjects into which the commission would have to examine; and he now stated them, not with any view of giving an opinion as to the results at which it was probable that the commission might arrive, but with a view of assuring the House, that into each and all of them, examination would be instituted in a spirit of most perfect sincerity, and with the most anxious desire on the part of government, to give full effect to any recommendations which it might conceive necessary to make. With regard to the constitution of the commission, upon which, after what had fallen from the hon. and learned gentleman who had spoken last, he might be expected to offer a few remarks, he would simply observe, that though it might not be difficult for him to describe the elements, still it would be difficult for him to name the exact individuals of which it was to be composed, because some of those persons on whom government might be inclined to impose this duty, might, for various reasons, be not altogether disposed to undertake it. This, however, he could state, that it was the desire of government to place in this commission individuals who were best qualified by their age, knowledge, and long experience in legal matters, to discharge its functions ably and effectually—who, from their rank in life, would be enabled to declare their opinions without fear, favour, or partiality, and who, from their past services to the state, would have authority sufficient to recommend their decisions to the favourable consideration of the House and the country. The hon. and learned gentleman who had spoken last, after hinting his dislike to this commission, and his doubts as to its efficacy, had cursorily observed, that he should like the scheme of it better, were it to comprehend within its range the various abuses in the courts of common law. He asked the House whether, if his right hon. colleague's proposition had gone that length, it would not have been asserted, that the object of it was, to divide blame by diffusing it over a larger surface, and to incumber inquiry by multiplying the subjects to which it was to be directed? His right hon. colleague had confined the inquiry within the limits he had mentioned, in order to render it more effectual: not precluding the like inquiry into any other part of the system that was incumbered with the same defects, but directing it to certain defined and positive evils, in the hope of being better enabled thereby to remedy and remove them. In doing so, his right hon. friend was but fulfilling the intentions of the different members of his majesty's government; and the House might therefore rely, not only on the proper formation of the commission, but also on the proper execution of its duties, especially when it recollected, that over both it could exercise a most speedy and efficient control.—As he had said thus much upon the formation of the commission, he conceived that it would be most unfair to the noble and learned lord who was at the head of the court of chancery, to let it be supposed that the project of this commission had originated from any wish on his part to elude the present motion. It was not always prudent to examine too deeply into the springs of human action. In most cases it would be seen that the noblest deeds had sprung out of motives of a mixed nature. He would not, therefore, say that this commission would have been formed had the subject of it never excited parliamentary discussion; but this he would say, that it had not been devised to meet the peril of the present day, or to get rid of the present motion; on the contrary, the date of its being first thought of was as old as the report of the House of Lords last year, in which the very elements of the present inquiry were distinctly pointed out; in which this very scheme was almost expressly mentioned, and with which, as the object of it more particularly fell under his department, his right hon. friend and colleague had been occupied during the greater part of last summer. Had the formation of this commission been announced to the House at the time that the hon. and learned member for Lincoln gave notice of his present motion, his Majesty's Ministers would have been exposed to the same imputations that were now thrown out against them, and also to the additional imputation, that it had been announced because they were afraid to meet the motion on its intrinsic merits. It was only due to the hon. and learned member to state, that the tone of his attack had greatly facilitated the object which he had in view, with one exception, to which he should hereafter have occasion to recur—namely, the plan of the hon. and learned member for separating the legal and political character of the chancellor there was scarcely any topic in his speech to which he should object; indeed, no speech, that was necessarily of an accusatory kind, could have been more successful in leading to the issue to which the House seemed inclined to come, than the speech which the hon. and learned member had that evening delivered. He was himself sure, that even those who had come prepared to attack the lord chancellor with all the artillery of eloquence, would be rejoiced to find that at present it was unnecessary. Every man, who was really anxious to shorten the delay, and to simplify the practice of the court of chancery, would feel satisfied in gaining his object, without assailing the character of the judge who presided in it, and would see, that to pursue his object further at present would be inconsistent with the conduct of a public-spirited man, and would savour too strongly of individual persecution. The House would on that account be more and more satisfied, on reflection, with its decision of the present evening; and would even now feel no slight pleasure in recollecting, that the character of the individual who had so long filled the high office of lord chancellor, would stand as unimpeached and unblemished at the close of his long and valuable career, as it had done at its commencement: and that, whatever might be the result of the inquiry, no matter whether lord Eldon was to be the last chancellor of England who was to unite in his own person all the different functions which now belonged to that high office, or whether any means should be devised of collecting them into one effective whole, and bestowing them on a single individual —a consummation which he would much rather witness, than a separation of them held by different officers—he would stand before posterity with unsullied fame, and with the enviable reputation of having discharged his arduous duties in such a manner, as to entitle him to the applause and admiration of all his contemporaries. —He could not quit this subject without again remarking, that there was one point in the speech of the hon. and learned member for Lincoln, from which he differed most widely. He could never wish to see the legal and political character of the lord chancellor of England made distinct and separate, considering, as he did, that in the appointment to that high office, one of the proudest distinctions of the British monarchy had long existed. On a former occasion, when the creation of an auxiliary tribunal to the court of chancery was under discussion in that House, from which he acknowledged that he had predicted that much evil and inconvenience would ensue, but regarding which he could not say whether his predictions had or had not been verified, from want of information on the subject—on a former occasion, he asserted, that he had declared his opinions to be inimical to the separation of the two characters of the lord chancellor. He thought that it was one of the noblest and most valuable prerogatives of the Crown of England, that it could take from the walks of Westminster-hall the meanest individual—and when he used the word meanest, he used it not with reference to talents and intellectual endowments, but to birth and original station in society—and place him at once in the head and front of the peerage of England; and he never wished to see the day when the Crown was deprived of that beautiful prerogative which, though it formed the very essence of the monarchy, was, at the same time, the surest support and bulwark of the democratic part of our constitution. It was not, therefore, for the sake of lord Eldon, much and highly as he respected that venerable nobleman, that he objected to the separation of the legal political functions of the chancellor; but it was with a view of preserving to the monarchy, one of its most ancient and invaluable prerogatives, of keeping open the passage from the court of pie poudre to the woolsack; and of leaving to the gentlemen of the bar the opportunity of giving to the Crown their best services, and to the Crown the opportunity of finding for them an adequate and suitable reward. For his own part, he could not see any objection to the union of the two characters in the same individual, especially as they were far, very far from being inconsistent with each other. When the advocates for their separation told him, that they saw a great objection to the making a political character a judge, he was inclined to ask them, what the situation of the country would be, supposing that there were placed at the head of the hereditary magistracy of the land an individual unacquainted with its laws and institutions. Would not such an occurrence lower the respect in which they were now universally held throughout the country? And, if it did lower the standard of the magistracy and the dignity of the peerage, would it not be inflicting a severe and permanent injury on the constitution, instead of correcting one that was comparatively trivial and temporary? It had not occurred twice in the history of our country, that the cold impartiality of the judge had given way to the warmth of his political passions; and if in the long night of ignorance in which so much of our annals were involved, not more than two instances of this judicial profligacy could be discovered, he thought that he was not too bold in saying, that at an æra so intelligent as the present, such instances were not likely to occur again. To avoid, however, a contingency which he contended was remote and improbable, it was now proposed to convert the lord chancellor into a mere lawyer; to destroy all the ancient grandeur and dignity of his office; and to degrade, as much as possible, the race of men from which it had hitherto been usual to select that ancient and distinguished officer. To such a proposition he had formerly felt, and he still continued to feel, the strongest aversion. Differing, therefore, as he did upon this important point, from the hon. and learned member for Lincoln, he could not consent to allow the commission to direct its inquiries to the propriety of separating the legal and the judicial functions of the lord chancellor. As he agreed in almost every other point with the hon. and learned member for Lincoln, he had thought it necessary to speak rather more fully on the only point upon which he differed from him. As to the object of the commission, the hon. and learned member and himself fully concurred—it was to shorten the delays, simplify the proceedings, and diminish the expense of the court of chancery. The right hon. gentleman then concluded, amidst general cheering, by again rejoicing that the personal character of lord Eldon, of which he spoke in terms of the highest eulogy, had been treated with the respect due to it by every member who had taken a part in the debate.

Mr. *Brougham* explained, that the right honourable gentleman had misunderstood him, in supposing that he had suggested that the courts of common law should be included in the investigation of the commission about to be appointed. On the contrary, he had suggested, that a simultaneous inquiry, by another commission, should take place into the state of those courts.

Mr. *Williams* rose to reply. He observed, that he should have executed his duty in a very improper manner, if he had attributed pre-eminence to any plan of his own for improving the condition of the suitors in chancery. What he had wished to impress upon the House, and still more upon the country was, that the state of the court of chancery, from whatever cause it had arisen, was such as to call for the most serious attention and consideration of Parliament. After what had just fallen from the right hon. secretary, it would not be civil, candid, or decorous in him now to express the most remote apprehensions as to the intentions of those who had proposed the commission, and it would be perfectly idle in him at present to press any plan or object of his own, in opposition to the proposal that had been made; for he had declined any other object, than to call the attention of the House and the country to the grievance under which the suitors in chancery laboured. But the House would permit him to say—and he did it without intending to give offence—that it might be composed of certain elements (to use the right hon. gentleman's own words) which could not fail to create—he would not say a suspicion,—but a strong apprehension, that the inquiry would be productive of no beneficial consequences. He founded that opinion upon a presentiment which he had, that the commission might be composed of members of his own profession. Now, it was his opinion, that a worse composed commission could not be formed; especially if the members of it were to be selected by lord Eldon, or by the members of his majesty's government. In saying this, he was strongly supported by former precedents. In the reign of James 1st, when the House had determined to form a grand committee to inquire into the abuses of courts of justice, the king sent down a message to it, stating that he would institute the inquiry himself. Sir. E. Coke, however, and the independent members who had promoted the inquiry, sent back their acknowledgments to king James for his gracious intentions, told him that they were very deeply obliged to him for his kindness, but that they preferred inquiring for themselves, having previously agreed in private, that the king's offer of inquiry would only tend to stifle all inquiry whatever. For his own part, he must say, that he knew no set of men who were so enamoured of existing abuses, and so accustomed to mistake forms for substance, as the members of that profession to which he belonged. Could he forget the manner in which two commissions had acted, in which they had formed the principal part? Could he forget what the commissioners appointed to examine into the fees taken in the courts of justice had done, or rather what they had not done? Could he forget that, when sir Samuel Romilly denounced certain laws as absurd to reason, and frightful to humanity,—when there was scarcely a man in the country that was not anxious to obliterate from the Statute-book certain obsolete enactments, which rendered an act committed one yard in the water a capital offence, whilst they treated it as a trivial misdemeanour when committed one yard from the same place on dry ground—could he forget, that no man in the empire was found to controvert the propriety of repealing those sanguinary and inconsistent statutes, except those who had devoted themselves to the profession of the law? He regretted to state, that the learned judges of the land had opposed themselves with great pertinacity to the alteration; and he could find no other reason for their opposition than this—that as they had spent the whole of their lives in learning the knowledge of those laws which change would render valueless, they could not afford to lose the little stock of treasure which their plodding industry had at last acquired. And therefore it was, that he predicted, that if the commission were selected from those who had been accustomed to walk in the trammels of the law, the country would find that it was nothing else than mockery and deception. He had, however, no objection to letting the commission have a fair trial, under the eye of the House and under the eye of the country. If it should prove beneficial in its results, all would be well, he should be satisfied, and, what was more important, the country would be content. If, however, at the end of a reasonable time, it should be found to be a commission for screening abuses from inquiry, and not for inquiry into abuses, then he ventured to predict, that with tenfold force of argument, and with a hundred-fold force of remonstrance, public opinion would revert to this important subject. He was happy that he had at length obtained an admission, that inquiry was necessary He recollected, that during the discussion which they had on this same question last session, pompous eulogiums were made, not, indeed, on the individual who supported the system, but on the system itself. Ministers, however, had now found out, that it was in vain to shut their eyes any longer, and that, whether they liked it or not, they must consent to some investigation of the abuses complained of. With regard to the speech of the right hon. gentleman opposite (Mr. Peel) he could not help observing, that he had not replied to the arguments which he (Mr. Williams) had urged, but had replied to the arguments which he had not urged. The right hon. gentleman had entered into a laboured eulogium of the lord chancellor, which he trusted would be as satisfactory to the person on whom it was made, as it appeared to be to the person who made it; but what it had to do with any topics which he (Mr. W.) had introduced, he could not discover; nor had the right hon. gentleman had the kindness to inform him. He begged leave also to acquaint the right hon. gentleman, that he had never pronounced any opinion on the propriety of dividing the legal and political functions of the lord chancellor; all he had stated was, that, in times of less emergency than the present, different opinions had been entertained on the point, and therefore it was, that he thought there might perhaps be a necessity for inquiring into it. In stating that question, he had only stated what he felt, when he said, that if it were wise that the other judges of the land should keep themselves aloof from political intrigues, it could not be a recommendation for the lord chancellor, the first judge in the land, to be identified as the head and front of the great predominant faction in the state. It was an exception to the general rule, and an exception which, he conceived, created in the people an unfavourable opinion regarding the administration of justice. All that he had meant to say, and all that he believed he had said, on this point was, that it was fit matter for inquiry: he repeated that opinion, notwithstanding the beauties of the present practice which the right hon. secretary had so elaborately detailed to the House. The hon. and learned member, in conclusion, observed, that if the present promises of ministers should prove insincere, and if their commission should appear to have screened abuse instead of detecting it, he should revert with increased strength of argument to the necessity of instituting an inquiry in the Commons House of Parliament, to which at that very moment he must own that he should give the preference.

The motion was then withdrawn.

AUSTRIAN LOAN CONVENTION.] On the motion for going into a committee on the Austrian Loan Convention,

Mr. *Hume* begged to ask a question respecting the state of the Russian loan, as we were now to accept of a composition from the emperor of Austria. The government of Russia had borrowed three millions from this country, which he believed had been employed to prepare for war with us. We had continued to pay the interest on that loan at 5 per cent., but were still told, that we should be indemnified. Now, what he wished to know was, whether there was any probability of repayment; because if there was not, this debt should be consolidated with our other debt, and the interest reduced like that of our other securities. If we were bound to pay that money, we should not at least be bound to pay 5 per cent for it when the interest might be reduced to 3½.

The *Chancellor of the Exchequer* said, he would readily answer the hon. member if it were possible. Only a short time ago this subject had attracted his attention, and he had looked into the acts and treaties relative to it. But, after doing so, he was not prepared to say how far there was a possibility of executing the purpose to which the hon. member had alluded.

Mr. *Baring* said, that the engagement, relative to this loan, was a contingent engagement. The debt had not been contracted, as was stated by his hon. friend to make war on this country; but for a purpose which he probably would approve of as little. It was money, borrowed by the empress Catherine, for the subjugation of Poland. Russia had a number of old out-standing debts in Holland, and we had undertaken to pay one quarter, and the Government of Holland had undertaken to pay another, on the contingency of Belgium remaining attached to the Netherlands.

The House having resolved itself into a committee,

The *Chancellor of the Exchequer* said, that hitherto the loan to the emperor of Austria had been kept separately from the other 3 per cent consolidated annuities. As, however, a treaty had been entered into to annul the liability of Austria for this debt, in consideration of an advance of 2½ millions, it would not be necessary to continue this arrangement any longer. If the committee, therefore, sanctioned the terms of this convention, the distinction between this and the other parts of the public debt would cease, and the Imperial annuities would be consolidated with the other 3 per cents. He would now move, 1. "That the sum of £.2,500,000 having been agreed to be paid by the emperor of Austria in full discharge of the loans guaranteed by the said acts, the separate accounts of the annuities called Imperial annuities, granted by the said acts, shall cease and determine; and the said annuities shall be deemed part of the Funded Debt of the United kingdom, and shall be consolidated with the three pounds per centum consolidated annuities, payable at the Bank of England." 2. "That the commissioners of his Majesty's Treasury of the United Kingdom of Great Britain and Ireland be authorized to issue and pay, out of the consolidated fund of the said United Kingdom, such a sum of money as will be sufficient to discharge the discount at the rate of *5l.* per centum per annum, on payment of the said sum of 2,500,000*l.* before the respective periods stipulated for the payment thereof."

Mr. *Hume* said, he was not prepared to support a resolution for sanctioning the terms agreed to by government. The committee was told, that Austria had consented to advance 2½ millions to this country; but, by the mode in which the payments were made into the Exchequer, the receipts would fall considerably short of that amount. Hence there was not only an unfair diminution of our just claim, but even an unfair reduction below the amount actually stipulated for. Why, he would ask, were the contractors, Messrs. Reid, Rothschild, Baring, and Co. to receive 5 per cent for their discounts, when other persons were only receiving 3½? Why had such a preference been given to them over others—a preference which would cost the country upwards of 50,000*l*?

Mr. *Herries* replied, that by the papers on the table, the character in which the contractors stood towards the Government would be seen, and it would be made manifest, that government did not negociate with them as parties proposing to advance a loan to this country. In offering the terms agreed to, they had acted as the representatives of the emperor of Austria, for the payment of such a sum as he was disposed to grant. The rate of discount, in case of the immediate advance of the whole sum, was as much a part of the original contract as the amount of the contribution itself. They submitted certain conditions to the Treasury, of which this rate of discount was one, and Government had no option, but to accept or reject the whole. It was not in the power of the Treasury to give less than 5 per cent, as the contractors would not receive less. The Treasury had no option. The terms were offered as a whole. They had been accepted; and he would answer the second question of the hon. member by stating, that the whole sum had been paid into the Treasury, and it only remained to pay the discount agreed on.

Mr. *Hume* expressed himself not satisfied with this explanation. It was not stated in the paper laid before the House, that a bargain had been made with certain contractors, but that a treaty had been concluded with the emperor of Austria. No doubt could remain on this point; for the chancellor of the Exchequer had repeated it last night, and made it the foundation for uttering a very handsome eulogium on the generosity and honesty of the emperor of Austria. It was not stated that a bargain had been made in London with certain contractors, but that our Ambassador at Vienna had concluded a certain treaty with the minister of the emperor. But, the right hon. gentleman now said, that we had made only a bargain with certain contractors, whose offers we were obliged to accept. In the correspondence which he held in his hand, he saw a certain letter from the right hon. gentleman, accepting the offer of the contractors; but he did not see in it when that offer was made, nor what the terms were [Mr. Herries observed across the table, they were contained in a Treasury minute]. Then he (Mr. H.) would say, that one or other of the official papers was not correct. We either contracted to accept 2,500,000*l*, or some other sum. If this was the contract, the chancellor of the Exchequer should have received this sum in advance, if it was to be paid in advance, on the same terms as it might have been had from other persons. The chancellor of the Exchequer had no right to give 5 per cent when he might obtain money for 3½, or even less. A compact of this kind could not have been forced on the Treasury; and he expected that some explanation would now be given.

Mr. *Baring* said, that as he was one of the parties interested in the loan, he might venture on an explanation without taking any part in the decision which the House might come to with regard to it. He was independent of any opinion which the House might form as to a bargain made with the emperor of Austria. It was their, the contractors, business to attend to the price of the Austrian funds when the bargain was made. The question had two sides—one political, the other pecuniary. The money was to be paid at London: the political part of the business was regulated at Vienna. Without the discount agreed to, it was not possible, with the amount of Austrian Stock made over to the contractors, for them to make the payments. Their bargain was made, on the understanding that the instalments paid in advance were liable to discount. The discount of 5 per cent therefore, was part of the original bargain. The government might accept it or not. There were two parties to every bargain, and the contractors would not have acceded, but on the condition which was now condemned. Austrian Stock, it was true, had risen considerably by discharging this debt; but at the time the agreement was made, if 500*l.* less had been offered, the bargain would most certainly not have been concluded.

Mr. Secretary *Canning* thought the hon. gentleman opposite had put a wrong construction on this transaction. Before the treaty was finally concluded, it was necessary to look to the means of payment, and this depended on the facility Austria had of borrowing, which again depended on her credit, the same as it did with all other powers, in the English market. It became the government, therefore, to consider on what terms the sum could be procured in our market. The gentlemen who had contracted to pay it, stood between Austria and England; and it was for this government to consider if the terms they offered were equivalent to the Austrian stock to be given. They had refused to give any larger sum. In agreeing to pay this sum they had made certain conditions; and it was only for the Treasury to accept those conditions, or altogether reject the payment. It was part of the original agreement, in which these gentlemen undertook to pay us so much money, on receiving a certain quantity of Austrian stock, that they should receive discount.

Mr. *Hume* said, that the explanations given were not satisfactory. It would have been easy enough for the Austrian government to have given 100,000*l.* more stock, and then the contractors could have given more money. The emperor contracted to pay 2,500,000*l.*; but in fact we had not got it. It was too bad, after giving up so much to him, that we were now to give up a large sum to the contractors.

The *Chancellor of the Exchequer* replied, that the hon. gentleman seemed to misapprehend the whole course of the business, and to suppose that the treaty had first been concluded at Vienna, and the bargain made with the contractors afterwards. The proposal was, that Austria should pay 30 millions of her stock; but the treaty was not signed until it was ascertained by what means this sum could be realized. The contractors made an offer to advance the money for this stock, on certain conditions. They were to pay it at certain distant periods; and if they paid it before, they were to receive 5 per cent discount. By this bargain we had got a large sum, when if it had not been concluded, the whole might have ended in our getting no money at all, which would have been a great deal worse than the bargain of which the honourable member complained.

Mr. *Warre* said, he should like to see the Austrian state paper, in which the emperor acknowledging a debt of twenty millions, had the assurance to propose a composition of two and a half millions. He recollected that when the hon. member for Buckinghamshire (Mr. Smith) brought forward a motion on the subject, the late lord Londonderry, in his peculiar manner, had treated the matter with great indifference, and said that "if we were to turn the whole country inside out, we could get nothing." The right hon. gentleman had been more successful; but what was two and a half millions for an original principal sum of six millions, and its accumulations, for which Mr. Pitt had said we could sue the emperor in his own court? The Austrian finances were said to have acquired such a degree of elasticity from his payment, that there was no knowing to what beneficial results their integrity might lead. He wished to see the state paper in which the emperor of Austria, who had been described as a man of such strict honour and fine feeling, was good enough to offer the payment of half-a-crown in the pound, as a fair liquidation of his debt to this country.

Mr. Secretary *Canning* said, that the information which the hon. gentleman wished to obtain was to be found in a long course of correspondence contained in the archives of the foreign office. He did not wish to take credit to himself for what was almost concluded before he came into office; nor was he willing to incur responsibility for a measure which whatever its merits or defects might be, was chief-silver coinage, which maintained its currency in a manner essentially beneficial to the commercial interests of the country. This subject might require more authority than he possessed, if it could be at all considered a visionary scheme; but many of those who now heard him were aware, that a similar system had been acted upon for the last thirty years in France—a circumstance which was of some importance, when they considered over how many countries France had extended her conquests, and the anxiety on the part of that country to become acquainted with the coinage of different countries of Europe. In America, too, the system had been introduced, and it was even extended to the ancient kingdom of China. It could not, therefore, be considered a visionary plan. The innovation, and the only one which he proposed, was, that the system of computation should, from a period to be determined, be conducted on simple arithmetic, and not on compound, which should rather be called complex arithmetic, as was now the case. The very system recommended itself from its simplicity. At present there were four denominations of coin in payment; namely, pounds, shillings, pence, and farthings. He should propose, that three denominations should be substituted: and these should consist of pounds, double shillings, and farthings. In order to bring up the latter denomination to admit of decimal calculation, he should propose, that a value of four per cent should be added. The value of the penny at present, according to the papers on the table, would be, with the farthing, raised four per cent in value, 1,696; or, in other words, in one hundred pounds in copper money, 42*l.* 8*s.* would be raised to forty-four pounds two shillings. In this way 100 farthings would make a double shilling, and 10 double shillings, or 1,000 farthings, would amount to a pound; and pounds would be converted, arithmetically, into farthings, or farthings into pounds, by simply adding or subtracting three ciphers to the right hand. The convenience of such a mode of keeping accounts could not be doubted, and it had been adopted in France for thirty years. Of course it would be necessary, to prevent inconvenience, that it should be carried into effect at the same moment all over the kingdom. This might easily be accomplished, by fixing some day for its absolute commencement, and enacting that, up to that appointed day, all transactions should be in the old style. The hon. baronet concluded by moving, "That an humble address be presented to his Majesty, that he will be graciously pleased to direct inquiries to be made for ascertaining the best mode of adapting the Coinage of the realm to a Decimal Scale."

Mr. *Wallace* did not deny that there were advantages attending the system proposed by the hon baronet, but whilst he made that admission, he was not prepared to assent to his proposition, believing that the inconveniences that would inevitably follow the change, would be very great, and of a character that the expected benefits would not compensate. Besides, it was plain, that whatever were the defects in theory of our present system, it had been so long in practice, and the people were so habituated to it, that very little inconvenience was actually experienced. Nothing could be more correct than the course which the hon. baronet had pursued. It was, undoubtedly, the prerogative of the king to take charge of the coinage; but the very motion of the hon. baronet, tending as it did to create doubts, and to leave the public mind in a state of uncertainty, constituted its objection. The subject of decimal calculation had been frequently before the House. It had been introduced at the time of the new coinage. It had its advocates, but he must also say, that there were opposed to the system some whose authority on questions of this nature stood very high in that House. It was most true that the system had been adopted after the revolution in France; but the hon. baronet would recollect, that it was adopted when there was an overthrow of every previous system, and when no existing interests or prepossessions were to be contended with. It had doubtless the merits of uniformity and facility, but habit and usage had given an equal facility in this country to the system that prevailed. Besides, there was a great objection to the proposition, when it was recollected, that such an alteration must principally affect the very description of persons, who, from their situations in life, carrying on their dealings in copper money, would feel the alteration, and could not be made sensible of the benefit. Adverting to the difference in the currency of England and of Ireland, he acknowledged that it was a very serious inconvenience, intimated that it was his intention to propose some measure on the subject, and expressed his hope that at some future period the coin of the two countries would be assimilated as well as their affections.

Mr. *Hume*, adverting to the committee which sat in former years, of which the hon. member for Bodmyn was the chairman, wished to know if their labours had terminated in any practical result?

Mr. *D. Gilbert* replied, that the question of weights and measures alone had been considered by the committee, but that of money had never been before them.

Sir *H. Parnell* expressed his satisfaction at what had fallen from the right hon. master of the Mint, with reference to the coin of Ireland. He had himself given notice in the last session, that he meant to move for leave to bring in a bill on the subject, but he most cheerfully resigned the undertaking into the hands of one so much more competent to do it justice. Unquestionably, nothing could be more pregnant with inconvenience and injury than the present inequality in the coin of the two countries.

Sir *J. Wrottesley* consented not to press his motion to a division, though he trusted that the young members of the House would live to see the principle of his measure carried into effect.

The motion was negatived.

REVENUE INQUIRY.] The *Chancellor of the Exchequer* rose to move for leave to bring in a bill to continue the commission of Inquiry into the Public Revenue; that commission, which had been productive of so much advantage in Ireland, and was now so beneficially employed in England, in investigating all affairs of revenue between the two countries. In the course of his observations, he said he should be guilty of great injustice to a former commission appointed by the Treasury, at the head of which commission was his right hon. friend the paymaster of the Forces, if he did not mention with the encomium it deserved, their report, especially that part of it which related to the Customs. It was a tribute due to that commission to notice the activity and knowledge which they displayed in the report in question. The right hon. gentleman then moved for leave to bring in the bill.

Mr. *Hume* asked, if it was the intention of those commissioners to direct their exertions to the same subject which had occupied them last year. There were many things in the Customs on this side of the channel which deserved their attention equally with the Customs of Ireland.

Sir *C. Long* acknowledged the gratification which must be felt by himself and the other commissioners in receiving the tribute of praise which his right hon. friend had been pleased to pay to their labours. He was happy to say, that their exertions had been deemed most useful; every suggestion which they had made had been adopted with entire success. It was not for him to say whether their labours should be directed to the same subject again; but he was confident they would proceed with as much activity and perseverance as before wherever their exertions might be wanted.

Leave was given to bring in the bill.

DELAYS IN CHANCERY.] Mr. *Leake* stated, that in consequence of what had passed last night respecting delays in the court of chancery, he considered it his duty, out of respect to the House, although he believed it was not absolutely necessary, in point of form, that he should do so, to acquaint them, that it was not his intention to bring forward the measures upon that subject of which he had given notice at the end of the last session.

POOR-LAWS.] Mr. *Nolan* in moving for leave to bring in a bill to amend the Poor-Laws, said, that it was not his intention to enter into any explanation on the subject at present. If the House would allow him to bring in the bill, and to have it read a first time, he would then move, that it be printed and read a second time at some period that would admit of a sufficient opportunity for considering the merits of the measure.

Leave was given to bring in the bill.

WEIGHTS AND MEASURES.] Sir *G. Clerk* moved for leave to bring in a bill to establish uniformity in Weights and Measures. He observed, that the bill which it was his intention to bring in, would be precisely in the same form as that of last year, and which had been lost, in consequence of its having been brought in at so late a period of the session.

Mr. *D. Gilbert* seconded the motion. He said, that the bill of last session had been founded on the report of the commission appointed by the Crown, the recommendation of which was, to take some natural measure as the guide, with as little departure as possible from the existing standards.

Leave was given, and the bill was brought in and read a first time.

Commercial Intercourse between Great Britain and Ireland.] Sir *H. Parnell*, in moving for papers to elucidate the act of last session respecting the Commercial Intercourse between this country and Ireland, paid a high compliment to the commission of Inquiry which had been employed so advantageously for the public in the latter country. Nothing could be more gratifying than to observe the success of their well-directed labours. They had done all they could to make Ireland an industrious, and a happy people. He moved that there be laid before the House a copy of all orders that had been issued by the commission appointed by the Treasury, in pursuance of the Act of 4th of George the fourth, for consolidating the several Boards of Customs and Excise in Ireland.

The motion was then agreed to.

Excise.] Mr. *Hume*, adverting to the statement made by the chancellor of the Exchequer respecting the duties on exciseable articles in the course of the last year, observed, that a noble lord, in another place, had been in the habit, for some years, of introducing a statement of the duties on those articles, whenever they were on the increase. But, whenever they were diminished, no statement appeared. Now, what he wished to have was, a clear account of the produce of the duties on all exciseable articles, for a series of years—say ten, in order that the effect of certain legislative measures, in increasing or in diminishing their amount, might be distinctly ascertained. He was also desirous of having a similar return respecting the Custom duties, under a certain limitation. The hon. gentleman then moved, that there be laid before the House an account of the several articles, charged with the duties of Excise for the last ten years; distinguishing the British and West-India from the East-India sugar; stating the amount of duty levied on each article, and the quantity of articles each year; and, also, distinguishing Great Britain from Ireland.

At the suggestion of the chancellor of the exchequer, Mr. Hume omitted the distinction in his motion respecting sugar, and it was then agreed to; as was, also, a similar account of the Customs duties, with reference to all articles on which the amount of those duties exceeded 50,000*l.*

HOUSE OF COMMONS.

Thursday, February 26.

Olive Guelph (styling herself Princess of Cumberland.] Mr *Scarlett*, in presenting a petition from a lady, who claimed descent from the royal family, and styled herself Princess of Cumberland, expressed his regret at not seeing the right hon. Secretary of State for the Home Department in his place. The petitioner declared, that she was lineally descended from George the Second; that she was now a prisoner, residing within the Rules of the King's Bench Prison, and she prayed protection and redress, and likewise that she might be heard at the Bar of that House.—Ordered to lie on the table.

Linen Trade—Bounty.] Mr. Hume moved for "an account of the number of yards of Linen exported from Great Britain and Ireland, at a price at and under seven pence per yard, and the amount of Bounty paid for the same in the year ending the 5th January 1824; as also the number of yards, and the amount of Bounty paid for them; distinguishing those of England, Scotland, and Ireland." He wished the House to be acquainted with the bounty paid on those inferior linens, because he was anxious to show, that the operation of the chancellor of the Exchequer's repeal of the linen bounties would fall on the boroughs of that part of Scotland which he represented. An hon. friend had asked him why he restricted his motion to linens of this particular value. He did so because the bounty on all linens of the value of 7d. a yard and under (a great deal of which was manufactured in Scotland), was to be immediately taken away, while the bounty on linens of superior quality was to be removed gradually.

Mr. *Bernal* said, that the effect of the repeal of the bounty would not be felt by Scotland alone. The greater part of the coarse linens which were sent to the West Indies, under the denomination of Osnaburghs, and which were under seven pence a yard, were manufactured in the north of this country. The removal of this bounty, therefore, would have an injurious operation upon an interest which was already very much depressed.

Mr. *Bright* concurred in the propriety of bringing this subject under the consideration of the House.

Colonel *Trench* regretted that the chancellor of the Exchequer, for the sake of saving a paltry sum of 100,000*l.*, should have adopted a measure which might be attended with irreparable injury to the rising linen manufacture in the west of Ireland. In the north of Ireland, the linen trade was in a state of vigour and manhood; but in the west of Ireland, it was in its infancy. Those who had read the reports laid before that House might judge whether, to the increase of that trade, they ought not to ascribe the peace and tranquillity of those parts of the sister kingdom where it flourished. Immense mischief would be occasioned by the repeal of this bounty, and that for the paltry saving of 100,000*l.* He hoped, therefore, the chancellor of the Exchequer would take the subject into his serious consideration. His right hon. friend had began, he thought, at the wrong end. If the bounty were taken away at all, it ought to be from that branch of the trade which was able to bear the change, and not from that which was yet in its infancy. He knew, as a general principle, that bounties were objectionable: but the situation of the west of Ireland was not one that would justify the application of general principles. A report on the linen trade had been made in 1822, and Mr. Ogle, in his evidence before the committee, had distinctly stated, that the removal of the bounty would be destruction to the infant trade. A bounty was, no doubt, an unnatural stimulus; but he was the better able to judge of its operation, from the observations he had made on the beneficial effects of the small premiums which he had himself given to persons engaged in this manufacture. The punishment inflicted on the Irish manufacturers had been brought on them by the fraud and roguery of certain wealthy merchants of London, one of whom had exported a large quantity of bales of cotton in the shape of Irish linen, with the name of a Colerain manufacturer forged upon them. Here was a double injury. The consumer was cheated, and Ireland was in consequence to be deprived of the bounty. The right hon. gent. had said, that foreigners were as ready to tax the raw material, as we were to tax the manufacture by this bounty: but Ireland would soon not want the raw material at all. Owing to the exertions of a public-spirited gentleman, she would soon produce flax superior to that of Russia or Holland, from her own seed.

Mr. *Maberly* said, he did not rise to prolong the discussion, but he could not omit the present opportunity of making a few remarks upon this subject. He was happy to state, that he was confident Ireland would derive a very great advantage from the improved growth of flax in the present year. They had, as he was informed, been able to save their entire seed, which might be valued at ten pounds per acre; and, how different such a condition must be from that in which they lost their seed, he need not state, because it was manifest, that whilst that was the case, it was impossible for them to compete with France or Holland, or those countries where the seed was grown. It was to him a great source of satisfaction to have been, in some degree, instrumental in sending that information to Ireland. The following up of that course would be of the greatest advantage to that country; and he hoped soon to see Ireland a raw producing country, which, he was quite sure, she was capable of becoming; and if that should be the case, it would be most profitable to the poor famishing people of the south of Ireland, whose condition was enough to make one shudder; so that he thought the hon. gentleman opposite need not be alarmed at the removal of a bounty of 10 per cent in ten years. One word now with respect to the classification of bounties. The great production of low-price bounties arose in Scotland, and if they were taken off, it would manifestly do an injury to that country. He thought they should deal out even-handed justice to Scotland as well as to Ireland, and to England too; and that was a consideration which should not be lost sight of by the chancellor of the Exchequer. Another point which he wished to be considered was, the propriety of taking off the duties upon hemp. This, he thought, would be a considerable advantage; and, indeed, a pledge had been given to that effect by the government, as was very well known by the right hon. gentleman opposite (Mr Wallace). There was no less a duty than 25 per cent on hemp, which was an enormous tax on the raw material, and he was astonished how people who talked of liberal principles could maintain so enormous a duty as 25 or 30 per cent on the raw material. Really, it was holding out fine principles in one hand, and throwing them over with the other. If that reduction were to take place, the West Indies could be amply supplied with low-rate linens on advantageous terms; and if these duties were taken off, the West-India interest need feel no alarm on account of the bounties. But, above all, he wished to impress upon the chancellor of the Exchequer and the House, the wisdom as well as the justice of dealing equally with the three countries.

Mr. *Wallace* said, he merely rose to remove the impression that he had given any pledge as to the repeal of the duties on hemp.

Mr. *Maberly* said, he did not mean to state that the right hon. gentleman personally had done so, but most certainly a pledge to that effect had been given by the government most distinctly.

The motion was agreed to.

STATE OF THE REPRESENTATION OF EDINBURGH.] On the Motion of Mr. *Abercromby*, a petition, which he had presented last year to the House, was read. It was signed by nearly seven thousand persons, and prayed for an Inquiry into the state of the Representation of Edinburgh.

Mr. Abercromby then rose, to submit to the House his promised motion, and addressed the House to the following effect:—Mr. Speaker; in obedience to the wishes of a very numerous, intelligent, and respectable body of my fellow-countrymen, I presented to the House in the course of the last session, that petition which has just been read. At the time I received it, I found the House occupied with various and urgent questions, and in the exercise of that discretion which was vested in me, I felt that I should best consult the interest of the petitioners by postponing their case to a season when I might obtain the patient and undivided attention of the House. I was desirous that that petition should be again read, as it contains a clear and distinct detail of the present state of the representation of Edinburgh, setting forth, in a striking manner, the grievances of which they complain. It has seldom happened, that a petition has been presented to the House containing more respectful, and, at the same time, confiding language; and, if the result of this night should prove that that confidence has been misplaced, I shall have the bitter mortification to feel, that the failure must be attributed to the weakness and inefficacy of the advocate whom the petitioners have most unwisely chosen; for it can never be supposed, that their failure could arise from a want of strength, or truth, or justice in their case. I am far from being insensible to the difficulties with which I should have to contend, were I about to submit a proposition of reform of a general, extended, or comprehensive nature. I know I should have to struggle with the recorded votes of this House, I should have to oppose the settled and fixed opinions of many individuals, and some might think, I should have to encounter still stronger obstacles, not merely political prejudices, but motives of self-interest. But, although the measure which I mean this night to propose, will be of a limited and qualified nature, still I shall have to struggle with some of the difficulties in a minor degree, which would attend the discussion of the larger question. However, I shall be sustained by the strong conviction which I feel, that the more the facts and the details of the subject are agitated and canvassed, the more apparent to the public will be the truth and justice of the proposition. I also know, that the case of the Petitioners is upheld by a great mass of public opinion; and therefore it is, I feel myself justified in looking forward with confidence to ultimate success. The petition, Sir, which you have just heard read, was voted at a very large and numerous meeting of the respectable inhabitants of the city of Edinburgh. It is true, they had not the good fortune to have had the sanction of the Lord Provost, the chief magistrate of the city, for that gentleman had been of opinion, that he should best discharge his public duty by withholding his sanction from a meeting of his fellow citizens, assembled for the purpose so distinctly and respectfully stated in the petition. However, the petition was adopted, as I have already said, by a most numerous and intelligent body of men, and it contains the signatures of some of the most respectable inhabitants of Edinburgh, and I am persuaded, that they have the acquiescence and cordial wishes for success of a very large majority of the people of Scotland. The petition contains nearly seven thousand signatures. Now, so large and numerous a body would, from mere numbers alone, be entitled to the favourable consideration of the House; but when I see who they are, I can boldly assert, that there never was a petition which more urgently called for, or on behalf of which public justice more loudly demanded, the fullest and the most serious consideration. The body of householders in Edinburgh amounts to 21,000, of that number 10,168 are rated at five pounds rent and upwards. That number includes females, and those who are rated for two residences. Now, considering how Edinburgh is situated I am sure I may fairly deduct from that number one fourth for females and absentees, which will leave it 7,626. Deduct for the sick 1,000, and of the remaining number more than three-fourths have signed the petition. Then I say, that the petition, from the character, number, and situation of those who have signed it, demands your attention. When it was put to the vote at the meeting to which I have alluded, those who had the conduct of it came to a resolution, that there should be as few signatures as possible of those who were rated at a less annual rent than *5l.*; and at five different places which were appointed to receive signatures, persons who felt interested in the subject, stationed themselves and excluded all those who were not so rated; and although there might be a few exceptions, still I am sure the deductions I have made are more than the fact would warrant. When I say they were anxious to exclude all those who were rated lower than *5l.* I do not mean to insinuate (nothing further from my intention) that they were actuated by the false notion, that no man had a right to be heard in that House, whose annual rent was not to that amount, but they adopted that course, knowing the value that would be attached to their petition, if the persons to whom it was confided were enabled to make that statement. At least it affords a strong presumption, that the petitioners have all enjoyed the advantages of education, that they have fixed residences, that they are possessed of property, and are therefore interested in the tranquillity of the country.—These were the grounds upon which that course was pursued, and if I know any thing of this House, they will derive more satisfaction from the petition, on account of this statement, which is perfectly consistent with truth and fact.

Having thus described the character of the petitioners, I shall now come to the actual state of the Representation of Edinburgh, and I beg the House to remember I am now speaking of a City, which contains 100,000 inhabitants. Out of this body, in how many does the House suppose is the right of election vested? Nominally, it amounts to 33, but practically to 19 [hear!]. This representation is vested in the magistrates and town council of Edinburgh, who amount to 33 in number. This body is formed upon the principle of self election, for, although they do not individually elect themselves, still, in their corporate capacity, the principle is self election. Perhaps the best illustration of it I can give, is this—I elect my successor, and the price I am paid, is the right of choosing his successor. That is the nature of the practice. Then of this 33, nineteen is the majority. So that, in point of fact, these nineteen persons constitute the body who possess the efficient representation in the metropolis of Scotland. There were, it was true, the deacons, fourteen in number, who were nominally elected by the incorporated trades, amounting to about 700 persons. But, in what manner did these trades exercise the right of return? Each trade chose, in what was called long leet, six persons. From that list the town council struck out three, and out of the remaining three chose the deacon. Unless, therefore, these trades were enabled to return six persons, in all of whom they had equal confidence, it was impossible for them to return the actual representative in the corporation whom they desired.

This is the state of the representation existing in Edinburgh. Such is the system of exclusion from all political power on the part of the property, the intelligence, the public spirit of that interesting population. How such a system can be defended—on what pretensions it can be maintained—I declare myself wholly at a loss to discover. They will not say, that such a system is upheld on the principle of property—for the persons who form these incorporations, are but ordinary tradesmen, in possession of not greater wealth than usually falls to the share of that description of persons. Nor will such a system be sustained by any attempt to claim for these nineteen persons, in possession of the representation of the city of Edinburgh, a spirit of patriotism, beyond the reach of ordinary men, an exclusion from all those personal motives, which so generally govern human conduct—an absence of all those interested feelings, which too generally influence the exercise of political power, when that power is placed in limited and uncontrolled hands. To set up such an argument with the hope of palliating such a system of representation, if representation it can be called, would only expose these worthy magistrates to the scorn and the odium of the great body, not only of the population amongst whom they reside, but of the people of Scotland. So strongly do I feel this, that, unwilling to expose the corporation of Edinburgh to the ridicule of the country, I shall not suppose it possible that such a defence will be hazarded. When we look to the composition of this House, it is easy for men to ascertain what will be the probable motives which will operate on a body, constituted as the town council of Edinburgh is: we may come to such a knowledge by merely reflecting on those ordinary inducements to which I have before adverted. Is it not likely that thus possessing such a power, to the exclusion of their fellow-citizens, they will dispense it rather with a view to their own private advantage than to the general benefit? There exists in almost all cases a certain sympathy between the representative and the constituent, and from the tendency of that disposition, it is easy to form an opinion of the kind of solicitude that prevails as to the direction the choice will take. Is it not likely then, from the frame and constitution of the council in Edinburgh, that those who really make the return, in place of sending to this House a member who would discharge his high trust in a fearless and manly manner, will look out for one who has connexions with the dispensers of patronage and possesses a ready access to the Treasury. Is it not to be expected, that such a body will view measures, not with reference to the great interests of the community, but solely as such measures will affect their own interests, comforts, and worldly advancement?

But, if these are the natural results of such a system, arising out of its very frame and composition, what does the conduct of this town council actually disclose? I have never heard of even the slightest participation, on the part of that body, in the feelings, the wishes, or the interests of the citizens of Edinburgh. The public feeling of that populous city, and of other parts of Scotland, have been on questions of high political importance powerfully excited; yet, in no one case that I have ever heard of, have I been able to discover any participation of feeling—any congeniality of sentiment, or identity of interests, on the part of the council with the public voice. When we hear of the body who possess the efficient representation of Edinburgh at all, it is only when they are at variance with the great majority of their fellow-citizens. Can it then, I ask, for a moment be maintained, that a member who owes his return to this House to that body alone, can be called the member for the city of Edinburgh, or that the body who returns him can be supposed to respect in this House the feelings and opinions of its inhabitants? The fact is otherwise. The whole history of the city of Edinburgh proves that the people and the corporation have acted upon different views, and been guided by different impressions. All those institutions of a local character, which had heretofore been under their control, have been rescued from that control; and the date of their being thus rescued has been the commencement of their prosperity. This is the feeling that universally prevails throughout the great population of Edinburgh. If any new institution is in contemplation, the first, the last expression, amongst all men, Whigs or Tories, no matter—is, "For God's sake keep the business out of the hands of the town council." Upon what principle then, I ask, is it, that while to such a body the public voice of their fellow-citizens would not confide the superintendence of the most insignificant of its local interests, the legislature will give it the exclusive power of exercising the greatest privilege that freemen can discharge; namely, the power of returning a representative to the House of Commons? Of the election, or of the member so returned, the citizens of Edinburgh know nothing, until they see the return in the gazette. In what relation of a representative can a person, selected by the town council, stand towards the great majority of the inhabitants? He might set at nought their solicitations: might utterly defy them; might vote against every measure which benefitted their interests; and with perfect security, provided he was backed by the nineteen members of the town council [hear, hear!]. Not even the slightest connexion existed between such a choice and the wishes of the population. I am by no means disposed to speak of that body, the town council, in language that the whole facts of the case do not establish. I know the names of the individuals who at this moment compose it, and, therefore, if I were capable of acting upon any personal prejudices, there is, at least, no ground for the imputation. Indeed, in speaking of them as I do, I only repeat what has been the uniform expression of all who have turned their attention to their conduct. It is proverbial, that there is nothing new under the sun, and in reviewing the proceedings of the corporation of Edinburgh, I know I am but stating that which has been the opinion of every man who has ever spoke or written on the question. In the year 1658, on a great clamour being raised, from the prevalence of gross and undisputed abuses, even the council themselves passed a resolution, describing the evils of the practice that prevailed in perpetuating magistracies in the same persons, to the exclusion of good and meritorious citizens. This act I have taken from a very able pamphlet, which has been recently put into my hands; and the statements of which, if I had any doubts on the subject of the abuses of the present system of mis-representation, would have entirely removed them. My original impressions, strong as they certainly were against the duration of such a system, have by the writer been most fully confirmed and strengthened.

I now proceed to the main consideration which this question involves. What danger, I ask, can possibly be suspected to arise from the change in the system of representation in Edinburgh which the petition of its inhabitants claims? Let us see who the persons are, who, under a more popular state of the representation, would possess the exercise of the elective franchise. In taking this view of the question, we must remember the circumstances that peculiarly influence society in the city of Edinburgh. It being the seat of the supreme courts of judicature, and the residence, consequently, of the profession of the law, that of itself attracts all the activity, intelligence, and public spirit (for which that body is so peculiarly distinguished) to the metropolis. Such a class must, as they do, indeed, possess a controlling influence over the public opinion of the whole people of that country. There was also a highly distinguished university, with all the influence of its enlightened professors. A vastn umber also of respectable individuals, having realized fortunes, were attracted by many inducements to reside there, together with an intelligent and numerous class of householders. In such a constitution of a population, what danger, I repeat, can be apprehended from an extension of the elective rights [hear, hear!]. Is it possible that there can be any other result but benefit, if the legislature were wise enough to make the concession? I say that the anxiety and solicitude for that extension are deeply felt in Edinburgh. I say that such feelings are spreading with rapidity throughout the whole of Scotland. They have, the House may depend upon it, taken deep root there; and therefore it is, that I ask this House—is it wise, is it prudent, to refuse to the inhabitants of Edinburgh this concession, possessing as they do such a controlling power over the public opinion of the country generally? Is it right to leave them in that state of dissatisfaction and alienation which at present exists? The inhabitants regard themselves as treated unjustly, as degraded and insulted, in being restricted from that power which freemen value most highly. They consider it a blot upon the constitution of the country. Believe me, Sir, that, in the present state of public opinion, if we allow such feelings to increase, and the dissatisfaction to become more aggravated, we shall have reason to regret that we refused so gratifying, so just, so necessary a concession. For its adoption there exist the highest political considerations, unaccompanied with the slightest apprehension of any danger. Refuse it, and the consequence will be, that the existing dissatisfaction will swell until it assumes a most formidable character. Let the House bear in mind what the state of the representation in Scotland is generally. It is in the hands of an oligarchy, with the people utterly excluded. I shall, by a close analogy, endeavour to make it intelligible to the English members. I shall suppose, for instance, that the representation of the great cities of London, Westminster, Bristol, &c. were in the hands of a small compact body of nineteen persons. I shall fancy, that in the English counties no man, no matter what his property in the soil might be, had a right to vote except the lords of manors; that these manorial rights were capable of being sold to strangers and others having no connexion with the people; that they were split so as to convey elective rights under an implied agreement, equally binding with an expressed one, on gentlemen, to vote in a certain way; and lastly, that in place of the House of Peers, as existing here, we had an hereditary aristocracy, a portion of which were delegated to the legislature, and therefore the great body of which looked to those arrangements of manorial rights, those oligarchical privileges, as the chief means of securing ministerial influence. The truth is, that there never has been one instance of an election in Scotland, where the rights of the people, as the people, have ever been recognized. If the House were wise, it would hail with promptitude the opportunity of making, at this advantageous moment, an experiment so likely to be productive of benefit. But it is possible, that, as there can be no specific ground of objection to the proposition, so far as it applies to the population of Edinburgh, an objection may be made on the assumption, that it is a step in the progress of parliamentary reform, and that therefore it ought to be resisted. I must repeat here what I stated on a former occasion, namely, that there is no obligation on any member who supports the present proposition, to vote for the great question of parliamentary reform. But, I put this question to the House, and with confidence await the answer: were England situated as Scotland is, as to the system of her representation; were the people of this kingdom excluded, as the people of Scotland are, from all share in the elective franchise, then I ask, is there an English member in this House who would venture to declare himself opposed to a reform in parliament? If that be the fact, then why should we say that to be right and expedient, with regard to Scotland, which, under the same circumstances, we would not venture to say was right with regard to England? When the general question of reform has been discussed in this House, the language of its opponents has been, that the people already possess a full power in the constitution of this House; and that an extension of that power would be inexpedient. Insufficient as this power may be in the minds of those who are friendly to reform, the very founding the objection to it, on the ground that the people possess at present a full share of that power, is an admission of the principle, that they ought to possess the power. Why, then, should not that principle be extended to the people of Edinburgh? The anti-reformers of England are bound to vote for the reform of Scotch representation on their own assumption. Scotland is not represented in parliament—no, not even as England is said to be. I should like to see the man who would be bold and daring enough to say, that if the representation of England were like that of Scotland, there ought not to be reform. With what face can the House continue to withhold this first privilege of free citizens, namely—the right of choosing their own representatives? But then it is said that the people of Scotland are represented by the parliament of England. Perhaps they are as well, or better represented by the English gentlemen than by their own members. But, are there no interests separate from those of the people of England to be looked after? Were there not obvious distinctions between this country and Edinburgh, that actually demonstrated the necessity of having in this House men who possessed the confidence, and who spoke the opinions of the Scotch people? Scotland had a different system of jurisprudence, and a different Church establishment. Much had been said of virtual representation; but, did not these great interests require in that House at least five-and-forty members who were the object of the choice of the people of Scotland. At all events, in the case I at present press, where the demand for concession is urgent and the remedy safe, I cannot anticipate the objections to accede to it. If there be in this country persons who will not rest satisfied without some great, thorough, and comprehensive system of reform—these are the very class of men who will rejoice in the refusal of this House to attend to the prayer of the present petition. For if it should go forth under the sanction of this House, that because the general question is to be resisted, every flagrant abuse is to be continued, lest the remedy may be considered a step in the general progress—if such are the anxious feelings of the people of Scotland on their interests, rapidly extending—if such, I repeat, is to be the determined conduct of this House, then, I say, it must prepare itself to find embodied against it all descriptions of reformers. I shall now move, Sir, "That leave be given to bring in a bill for the more effectual Representation of the city of Edinburgh."

Mr. *Stuart Wortley* observed, that he had listened with considerable attention to the speech of the hon. and learned gentleman, but had not been able to discover the least argument for the alteration he proposed [hear, hear! from the Opposition benches]. He would repeat his assertion, that, in his judgment, the hon. and learned gentleman had made out no case to induce the House to alter the constitution of the representation of Scotland. The House would bear in mind, that it was simply on the ground of the form of the representation in Scotland that the hon. and learned gentleman called for the alteration. He had made out no case of mismanagement. He did not impute to the burghs or corporations of Scotland any overt act of corruption or venality. Had he established any charge of that character, then indeed there would be ground for the interposition of parliament. Had the hon. and learned member shown that these rights of the corporations of Scotland, or that of the city of Edinburgh, were invasions of the more extended rights of the people, and that their present tenure was by usurpation? He had made no such attempt; because he well knew, that no such conclusion could be supported by facts. Since Edinburgh had been Edinburgh—since the boroughs of Scotland had been Scotch burghs, the same frame and constitution had existed. The hon. and learned gentleman, with this conviction, had rested his argument on other grounds. He had asked, whether public opinion in Scotland, ought not to be gratified? But, if he had laid good grounds, why should they stop here? If Edinburgh was not properly supplied with electors, having only thirty three, what must be the state of Glasgow, which had not a quarter of those votes? Why should they stop at the representation of Scotland? Was not the alleged evil as great in the close corporations of England? Did not the cities of London and Westminster return representatives, to the exclusion of a large majority of those who resided within those two cities? Why should the population of Liverpool, which was 100,000, have an elective body consisting of no more than 3,000? The right of voting was, in every case, limited to corporations, which consisted, some of more, and some of less numbers. But, as to the representation, he could not see the least reason for the present motion. Edinburgh was unquestionably filled with an enlightened and moral population. Of all cities that a stranger could enter within the British dominions, Edinburgh presented the fewest objects for dissatisfaction and the most for admiration. Looking to the actual condition of Edinburgh, he must be allowed to say, that he never visited it without a proud recollection, feeling how strangers must be struck with the character of the people. Was it not creditable to the magistracy and the good government of the city to know that such was the general impression? Descended as he was from Scotch ancestors, though born and educated in England, and having some property in that kingdom, he had always participated fully in such a feeling, on his many visits to that metropolis. Such comfort, such order, such decency in all its regulations; and these were the work of the town council! If this city were taken as an example of the defective nature of the Scotch burghs, it was badly chosen. But if representation in Scotland had actually worked as the hon. and learned gentleman had stated, what use would arise from the reform in Edinburgh alone? None. But, viewed as a step in the progress of reform, as it was called, it was allowing the first insertion of the wedge. Before the House acceded to motions of that character, it was bound to reflect on those engagements, which had been ratified by the articles of Union between the two countries. At that period, the integrity of the burghs and corporations was regarded with as much jealousy as the Church establishment of Scotland. When an attempt was made on the memorable riot in Edinburgh, so eloquently described in a novel written by the great person whom we do not know, he meant the Porteous Riot, as it was called, to interfere with the rights and practices of the corporations of Scotland, in the precise case of the rights and privileges of the corporation of the city of Edinburgh, the duke of Argyle, in his place in the House of Lords, held the following language:—"To pass the present bill, my lords, in the shape it is now in, is what I will be bold to say, and I say it of my own knowledge, and of my own experience (but with all the respect that is due to this august assembly), it is what even the whole legislative body cannot do. I was in the parliament of Scotland when that part of the treaty of Union relating to the privileges of the royal burghs was settled, and, my lords, these privileges were put upon the same footing with religion; that is, they were not alterable by any subsequent parliament of Great Britain. It is true, some moved, that they should be submitted to such alterations as the parliament of Great Britain should in time coming, for good reasons, think fit to make. But, my lords, after a full debate, it was carried, that they should not be subject to any such alterations. The nation of Scotland, in all the proceedings at that time, treated with England as an independent and free people; and as that treaty, my lords, had no other guarantee for the due performance of its articles, but the faith and honour of a British parliament, it would be both unjust and ungenerous, should this House agree to any proceeding that has the least tendency to infringe it." Lord Hardwicke, who opposed the duke of Argyle, found it nevertheless necessary to agree to his grace's general propositions, which he acknowledged in the following terms:—" As I very much respect the noble peer who spoke last. I shall be likewise far from doubting of the truth of what he has advanced with regard to the tenderness which the last parliament of Scotland expressed for the right of the royal burghs in that kingdom. I say, I shall be far from doubting it, because the noble lord advances it from his own knowledge. But these privileges must be always looked upon as privileges which the citizens of Edinburgh immemorially enjoyed, and of which they could not be deprived without injuring them, not only as citizens of Edinburgh, but as subjects of the kingdom. Had a bill been brought into parliament for breaking their charter, dissolving their corporation, or taking from them their right of sending a representative to parliament; that, indeed, had been striking at essentials, and there would have been great weight in what was objected by the noble lord."* Such were the privileges of the city of Edinburgh. And what did the motion of the hon. and learned gentleman propose to do? To take those privileges from that city; to destroy those rights which the constitution had imparted [hear, hear!]. He knew the meaning of that cheer. It meant, that such privileges were not granted by the constitution: but, the fact was, that privileges of that description were trusts vested in certain bodies for the good of the people. When once vested they could not be withdrawn, unless some case of gross abuse and misconduct in the exercise of them were first established. The question for the House now to determine was, whether they would consent to begin a system of reform, the progress of which, if it were once commenced, every man of the least sagacity could easily foresee. For his part, he for one, thought the House of Commons, as it was, sufficient for the government of this country. He had seen the House of Commons carry the country through good and evil days: he had seen the House of Commons carry the country through war: he had seen the House of Commons carry the country through peace, until at last the hon. gentleman opposite were obliged to allow, that it was in the most flourishing and improving condition. With the constitution of a House of Commons which had so conducted the country he was perfectly satisfied. It was undoubtedly true, that there were some modes of returning members to that House which were irregular and anomalous; but, under the present system of representation generally, the country had risen; nay, Scotland had especially risen, in a manner which could not be believed by those who had not been in that country. He knew perfectly well, and so did the hon. and learned mover, that there were many persons in this country who were more inclined towards democracy than towards monarchy. By such persons, a change in the constitution of parliament was certainly desired. But retaining, as he did, an attachment to a limited monarchy, wishing to see the king with a certain portion of power, the House of Lords with a certain portion of power, and the House of Commons, as at present, with a great share of power, hoped things would remain as they were. He was not desirous that the people should have all the power. Such were his views on the subject. He was far from believing, that the hon. and learned gentleman was fond of republicanism; but, such motions tended to cherish republican sentiments. They encouraged vituperation of the existing system. To accede to the motion would be the first step to the destruction of the elective rights of every corporation in the kingdom; and it would be much better for the hon. and learned gentleman to move at once for a removal of all the rotten boroughs. He should meet the motion with a direct negative.

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* New Parl. Hist., vol. 10, p. 239.

Lord *John Russell* expressed his utter astonishment to hear any honourable member contend, that the object of the motion was not desired by the people of Edinburgh, in the face of the petition of those very people themselves. That Scotland could be supposed solemnly to have stipulated at the Union, that nineteen persons in the city of Edinburgh, should return a representative to the House of Commons, in spite of, and sometimes in contradiction to, the remaining 21,000 of the respectable inhabitants, was so complete an absurdity, that he could not believe it ever entered any heads but such as were sometimes to be found in that House. There were some things which appeared so extraordinary and absurd at first hearing, that even public meetings, at which frequently the most ignorant were present, rejected them; and they could be propounded only in the House of Commons. Of that description was the proposition of the hon. member for Yorkshire, with respect to the solemn stipulation to which he had adverted. The hon. member for Yorkshire had also discovered, that the constitution of the House of Commons was so admirable, that it had led the country through all its difficulties—through all the good and evil it had experienced. But, did the hon. gentleman mean to say, that the present state of the country—that its gradual recovery from the distress by which it had been nearly overwhelmed —was at all attributable to the wisdom of that House? Why, when the distress of the agricultural interest was at the highest, did ministers venture to say that they had any proposition to make to remove that distress? On the contrary, was it not said by gentlemen on the Opposition side of the House, and at last acceded to by the gentlemen on the other side, that there could be no relief given, except by relieving the country from taxation? Was not that proposition at first treated with scorn? And was it not said, that the natural course of events, seconded by the energy and industry of the people of England, would relieve us from any difficulties? And that, in fact, was the case. What man of common sense was there but must see that it was so? We had also the advantage of living under some good laws, and it was owing to the security derived from the knowledge that those laws could not be violated, that the country flourished, even in despite of the corrupt manner in which that House was constituted. The hon. member for Yorkshire seemed apprehensive, that the gentlemen on the Opposition side of the House were going to form a republican constitution; but he could not concur in that apprehension. From the constitution of some republics—that of Holland, for example—such a motion as this could not safely be entertained; but, in this country, where there existed a House of Lords with great independent privileges, no danger need be apprehended. There being a King and a House of Lords endowed with large powers, and possessed of the respect and veneration of the people, the House of Commons belonged to the people, and the more the people were truly represented in it, the more satisfied they would be with the constitution generally. "But," said the hon. gentleman, "if you grant this boon to Edinburgh, why not grant it to Glasgow, or to Dundee?" And he (lord J. R.) was ready to do so, if as strong a case were made out. But, his hon. and learned friend had made out so strong a case for Edinburgh that no other that he had heard could be compared with it. He had shown, not only that Edinburgh was not represented, but that the country, in the centre of which it stood, was not represented. His hon. and learned friend had shown, that that great and enlightened country was not represented; and he would himself add, with reference to the city of Edinburgh, from a personal knowledge of it, that, if there were any people among whom an experiment of parliamentary reform might be safely tried, it was among the inhabitants of Edinburgh, who were distinguished for their love of order, and for the enlightened, calm, and deliberate view which they took of political subjects. They were under the influence of persons, the very reverse of wild in their principles, and whose abilities were such, that if they were in that House, they would be reckoned amongst its greatest ornaments. Those who knew Edinburgh, knew this to be the fact; and that if the people of that city were to be put in possession of popular rights, they would use those rights, not rashly, but with discretion and moderation. He was convinced that no better beginning could be made in the course of amendment, than by acquiescing in his hon. and learned friend's motion.

Lord *Binning* declared, that the principles which the noble lord had just laid down were such as he could never subscribe to. The noble lord and those who thought with him on the subject of parliamentary reform, finding that they were unable to carry that question as a whole, were determined if they could, to accomplish it piece by piece; and they well knew that if they could, in any one instance, be successful, that case would stand them in stead as a precedent for further innovation. The noble lord had argued that a regard to the character of the House, and to the removal of the existing stains and spots on the face of its constitution, should induce them to restore it to its purity, by giving to the people of the city of Edinburgh, which the noble lord described, and justly described, as deserving of every consideration, a greater share than it possessed in the representative system of the country. Against this general principle he for one must protest. He willingly admitted, that in cases in which corruption and malversation were proved, that House was bound, and it had always shown itself ready, to apply a corrective. So far he was quite disposed to go. But, to the removal of such spots and stains as the noble lord alluded to, to the destruction of close, or comparatively close corporations, in which, by institutions existing from time immemorial, the right of voting for members of parliament was confined to a certain number of individuals, he for one would never consent. The noble lord had begun his speech, by expressing his surprise at what had fallen from his hon. friend the member for Yorkshire, on the subject of the debate, in the reign of George the Second, between the duke of Argyle and ord Hardwicke. But, could the noble earl, with all his ingenuity in ascribing various meanings to words, "rail the seal from off the bond." Could he deny that it was stipulated, by one of the articles of the Union, that the old chartered rights of boroughs in Scotland should in all times be preserved and maintained? That was what the article stated; and it was out of the power of the noble lord, or the hon. and learned gentleman, to get rid of the plain meaning of those words. But they assumed that the change they proposed would be for the benefit of Scotland. Thus they began by begging the question. Now he, and those who thought with him, doubted whether the change would be for the benefit of Scotland. They were sure that it would not tend to the benefit of Scotland to endeavour to make any change in the constitution generally, and above all in the constitution of the House of Commons; and he for one, as a Scotchman, and as deeply interested as any man could be for the happiness of his country, even if he thought the representation in Scotland bad, would not consent to amend it, if he thought, as he thought on the present occasion, that by so doing he should infallibly subvert the whole representative system of the empire. He by no means meant to say that the present representative system of Scotland was the best that could possibly be devised. He readily admitted, that if that House were about to settle a constitution for a new country, or to grant a new constitution to any country, it would not enter his head to frame that constitution in strict conformity to the representative system in Scotland. He would go a step further. If by any strange and extraordinary concurrence of circumstances, Scotland were to be completely divided and separated from England, a case would then arise as different from the present as light from darkness; and it might justly become a matter of doubt, if the government of Scotland ought to be continued to be carried on, without considerable changes in the representative system of that country. The hon. and learned mover had argued as if there were no public opinion in Scotland, or as if that public opinion had no weight. But the fact was, that public opinion had very great weight in that country. It operated powerfully on the representatives for Scotland; and the doors of the House of Commons were open to receive, and the representatives of the empire at large willing to hear, all the representations that the people of Scotland might feel disposed to make. To him it appeared, that no case had been made out by the hon. and learned mover. All those who argued the question took especial care to separate Scotland from England as much as possible in their consideration of it. Now, that was most unconstitutional. The representation of Scotland formed a component part of the representation of the empire. It was by the representatives of the empire at large, that the liberties and happiness of the people of Scotland were protected and secured. The hon. and learned mover had been well reminded by the hon. member for Yorkshire, that he had begun in the wrong place. But the fact was, as he had already observed, that the object was, to obtain that by piecemeal, which it was found impracticable to obtain as a whole. For instance, Grampound was one of those spots and stains on the constitution, of which the noble lord complained. By taking away Grampound here, and Edinburgh there, and Glasgow and so on, the advocates of what was called parliamentary reform, hoped they might eventually achieve their object. He wanted to know why Edinburgh had been selected for the present experiment? The noble lord, indeed, had said, that he was very willing to take Glasgow too. Yes, and every other borough inthe kingdom, no doubt. But he (lord B.) was talking to those who had no such object—he was talking to those who wished to uphold the constitution—and to those persons he would observe, that there was nothing in the case of Edinburgh which pointed it out as the place to be selected for this experiment. Why Edinburgh, and not Glasgow? The case of Glasgow was much stronger than that of Edinburgh. Glasgow was only one of four boroughs represented by a single member, yet Glasgow was more populous than Edinburgh; it was one of the largest manufacturing towns in the kingdom; it was the second place in point of population, being inferior in that respect only to London; and yet this great town, with all its population and all its commerce, had only the fourth share of a representative in parliament. If he were to choose between Glasgow and Edinburgh on the present occasion, he would certainly prefer Glasgow, and give it a member to itself; and he did not think the people of Glasgow were much obliged to the hon. and learned gentleman for having left them in the lurch.—But the noble lord seemed to think, that the measure, which he considered a proper one in itself, was rendered more proper by the respectable character of the individuals for whose supposed benefit it was to be adopted. The noble lord could not have more respect for the character of the inhabitants of his (lord B's.) native place than he had. He perfectly concurred in the praises which the noble lord had bestowed on the people of Edinburgh. They deserved them all. But was it any argument in favour of altering the institutions of a place, that it happened to contain many virtuous and respectable persons? On such a ground, it might be proposed to change the constitution of any place, not because there was manifest corruption of a political kind, but because the people were morally good. But, where would be the end of selecting places on the score of character? Would it be a wise principle to establish, that a change of political institutions was to be the reward of virtue and good conduct; and that the House of Commons were to be the judges and the dispensers of that reward?—He had heard with much pleasure the just encomiums which the hon. member for Yorkshire had bestowed on the character and conduct of the House of Commons. That hon, member had spoken of the House with a strong and a due sense of the benefits which it had conferred on the country. He had truly stated, that the House had carried the country through good and through evil, through peril and difficulty, through a long and tremendous war; and that they had at length brought it to a state of peace, and thank God! to a condition improving and prosperous beyond precedent. The noble lord, not being very well able to deny the result had contented himself with denying that the House of Commons either had or could possibly have had any share in producing it. He (lord B.) did not suppose that the hon. member for Yorkshire meant to confine his praise to the House of Commons. He was sure that the hon. member did not mean to exclude from it the people of England whose conduct, throughout the whole of the late awful contest, could never be enough applauded, and would be dwelt upon with pride by future historians, and held up as a brilliant example to other nations. But, that which he (lord B.) considered as the true test on the present occasion was, that during the whole of the period to which he had just alluded, the sentiments of the House of Commons were in strict accordance with the sentiments of the people; and it was in that point of view especially, that he thought the encomiums of the hon. member for Yorkshire, on the House of Commons, peculiarly justified.—The hon. and learned mover had begun his speech, by giving some account of the petition which had been presented to the House, on the subject of his motion. He had understood the hon. and learned gentleman to say, that great pains had been taken to exclude from signing the petition all persons who were not rated at five pounds a-year. Now, really, it was a most extraordinary proceeding on the part of these popular leaders, these determined Whigs, to take upon themselves to put inquiries to the good people of Edinburgh on this subject "Are you rated at five pounds a year"? "No, only at four pounds ten." "Oh! then you must not sign our petition." These gentlemen certainly resembled what the French called the *aristocracie populaire*, and yet they boasted, that the petition was signed by six or seven thousand persons! Now really, he wished to know how, after all, the persons who were posted at various places to receive signatures could ascertain, that the persons offering to sign came within the prescribed limitation. The inquiry would be impracticable, if it were decent; and it would not be decent, if it were practicable. However, it appeared that, after great pains had been taken, after speeches had been uttered, and pamphlets published by persons undoubtedly of eminent abilities and information, out of 21,000 persons, 6 or 7,000 had been induced to sign this petition to the House of Commons, praying for a change in the representation of the city of Edinburgh. So far was he, however, from being overwhelmed by such an authority in favour of the hon. and learned gentleman's motion, that the only thing that surprised him was, that the petition had not been signed by a much greater number of persons. The nuisance complained of was, according to the hon. and learned gentleman, intolerable; the town council monopolized the rights and privileges of the inhabitants of Edinburgh; and yet, when a petition was prepared to be presented to the House of Commons, praying for an abatement of that nuisance, and a restoration of those rights and privileges, out of 21,000 householders, only 6 or 7,000 could be prevailed upon to subscribe it! And, let it be recollected, that even from this number some deduction ought probably to be made, for those who perhaps signed their names twice over, or who did so, from mere amusement and wantonness; so that the friends of the petition had no right to say that it proceeded from even a third of the inhabitant householders.—But, if the petition actually had spoken the sentiments of a third of the inhabitant householders of Edinburgh, was it a reason for the House to do that which the parliamentary reformers wished them to do, that they were asked to do it? If that were to be admitted, they would soon have numerous petitions, from towns, and even from counties in England; some calling for extended qualifications; others for qualifications which had not hitherto existed; and others bewailing the existence of any qualifications at all. Under such circumstances, he imagined it would be considered very praiseworthy in the House of Commons to stand out against so great a variety of demands; and he trusted they would show their opinion on the subject in the present instance. If at any time when the popular feeling happened to be excited, the inhabitants of any district or town were to require a change in their constitution, and their requisition were to be listened to, parliament would never be at rest for a moment. The constitution would be altered every day at the *popularis aura*. There were abundance of deficiencies to be supplied. Where was the member for Leeds? Where was the member for Manchester? Where was the member for Birmingham? Where was the member for Sheffield? Why did not the noble lord remonstrate with his hon. and learned friend on his unjust partiality for the city of Edinburgh, when others stood so much in need of his assistance? Why was Leeds to be totally neglected and left unrepresented? Why was not the ancient and medicinal city of Bath, with its 36,000 inhabitants, taken under the patronage of the hon. and learned member for Calne? There a corporation of not more than nineteen or twenty persons returned both the representatives, and that corporation was confined almost entirely to the learned faculty of medicine. According to his (lord B's.) view of the question. He never would consent to disfranchise even the Bath doctors; but, with that instance staring him in the face, it was, surely, a little too much for the hon. and learned gentleman to come down with a grave complaint about Edinburgh, as if that were the only place in the empire so unjustly treated. Let Bath tremble if Edinburgh fall! for they stood in precisely the same predicament. The noble lord, the member for Lanark (lord A. Hamilton), on the two great occasions when he had brought under the notice of parliament the state of the Representation in Scotland, had followed the same course as that pursued by the hon. and learned gentleman to-night. In discussing the questions by the Royal Burghs, and of the counties of Scotland, he had invariably told the House, to put out of its view the subject of parliamentary reform A long lecture to the same effect had been read by the hon. and learned member for Calne [Mr. Abercromby across the table, denied that he had said a word of the kind.] Such at least was the conclusion to be drawn from what he had stated, and yet it was clearly shewn that parliamentary reform, if it were good for any thing, ought to be extended to Scotland. The hon. and learned gentleman had said for instance—"There is no rea son upon earth, why you, the House, should not adopt this motion; if you are consistent, you will approve it, because you uphold the mixed popular constitution of the British empire." The conclusion was inevitable; the assertion was, that there was nothing popular in the elections in Scotland, and, consequently, that parliamentary reform ought to be extended to that country, in order to make them popular. He hoped the hon. and learned gentlemen, by this display of ingenuity, would not be led to fall into the common error of thinking the cases of Scotland and England separate and distinct; in point of truth, reason, and justice, they were the same, although it might answer a temporary purpose to represent them as different. The people of Scotland were influenced by the debates here, and the debates here were influenced, in return, by the people of Scotland. The press was perfectly free in Scotland, and though the church establishment might not be the same as that in England, the people of both were one in feeling and one in interest. If Scotland were to be considered a component part of the British empire, the argument, if good for anything, applied to it in every way. If the people of Scotland valued the constitution under which they lived and flourished, they would not consent to this breach which the hon. and learned gentleman was anxious to make in that part which was most assailable, and which ought, therefore, to be most strenuously and most carefully defended. The motion, if carried, could do no possible good to Edinburgh, which had so flourished and improved under the government of a town council. Of that town council, and its members, he knew nothing: he only knew, that the city was under the greatest obligations to it; and he was not prepared to treat so important a body, as if it were the corporation of some small borough which thought of nothing but eating and drinking. The greatest improvements in Edinburgh had been carried on, under the auspices of the town council, and, owing to their exertions and superintendence, that ancient city now excited the admiration of all strangers, whether foreigners or Englishmen. Upon this point he begged to appeal to those who had seen Edinburgh, at that most interesting moment when it was honoured with the presence of its sovereign. Was there any thing at that time, which could lead to the supposition, that the miserable inhabitants were living under the rule of a petty, close, and narrow-minded corporation. He gave the present motion his most decided opposition, and he was persuaded that the people of Edinburgh felt no sympathy with the hon. and learned member who had introduced it.

Sir *J. Newport*, in reference to what had fallen from the hon. member for Yorkshire on the claims of parliament, as the authors of the present prosperous state of the country, said, that he had lived long enough to remember the panegyrics rung out by its members upon the parliament of Ireland, previous to the union. It was said, that they were proceeding in the best of all possible ways to secure the happiness of the people of Ireland; in short, that nothing could be wiser or better than the measures they adopted. He would venture to say, that if the debates from the year 1790 to 1800 were gone through, it would be found that nine-tenths consisted of eulogiums pronounced by the parliament of Ireland upon itself. How well deserved those eulogiums had been, it was needless for him to point out; enough was known to make him and others very sceptical as to the justice of the praises which the hon. member for Yorkshire had so liberally lavished. The Irish parliament had accelerated its own downfall, by separating itself from the feelings and interests of the people they professed to represent; and it was not improbable that, in the case of England, the same cause would lead to the same effect. The noble lord who spoke last had maintained, that the petition so respectably and so numerously signed, did not speak the sentiments of the inhabitants of Edinburgh. But, if this were true, why had no counter-petition been got up and laid upon the table? Sufficient time had been allowed; as the petition now before the House had been presented last year; and although the lord provost had refused to summon the meeting at which it was agreed to, he might, perhaps, without any great difficulty, have been induced to sanction, even with his presence, an assembly which had for its object the defeat of the present motion [hear, hear!]. The noble lord had asked, why the case of Glasgow had not been brought forward to-night as well as that of Edinburgh? The answer was plain—because there was no petition from Glasgow. As to the signatures to the petition from Edinburgh, it could not be denied that they were those of people of character and property, since the greatest pains had been taken to exclude all others; yet, the opponents of the object in view now turned round, and the very men, who on all former occasions had ridiculed representations from what they termed the rabble, complained, that the petition upon the table did not come from the inhabitants at large, but only from a select class. The point for which the noble lord had contended was neither more nor less than this, that, because there are many blots and defects in the system of representation, on that very account it was improper to commence a remedy.In other words, the worse the whole state of the representation was, the more fit it was to allow it to go on until it arrived,if he might so say, at the perfection of evil. If the House rejected the present motion, and persevered in an obstinate refusal to listen to the just complaints of the people on the subject of representation, it might in time exhaust the patience of the nation, and accelerate its own downfall [hear!]. As soon as the right hon. baronet sat down, the question was called for from the Ministerial Benches.

Mr. *Kennedy* expressed his surprise, that the right hon. gentleman, the member for Edinburgh (Mr. W. Dundas), had not thought it worth his while to deliver his opinion upon the present occasion. Under all the circumstances, his silence was remarkable; for the right hon. gentleman had stated at a former time, as would probably be remembered, that whenever this debate was brought on, he should not fail to be in his place to make the House acquainted with his sentiments. Perhaps the right hon. gentleman thought that his notions were pretty well understood and it was much better for him to act consistently, and say nothing; feeling that he had, in truth, no right to speak on the question, as he was not in fact the representative of the people of Edinburgh [hear, hear!]. He should not have troubled the House this evening, had he not observed, that some hon. gentleman had made use of an unwarrantable argument connected with the act of union with Scotland. The same argument had been employed last year, but as it was then fully exposed and exploded, he had hoped that this year it would have been abandoned as untenable. The hon. member for York, and the noble lord had both stated that the rights of the corporation of Edinburgh were preserved to them by the act of union, and consequently that the House of Commons was barred from interfering with them. This was the argument which neglected the clear distinction, between the various corporate privileges possessed by the town council, and the right of sending a member to parliament. The opinions of the duke of Argyle and of lord Hardwicke had been relied upon by them, without troubling themselves to go to the fountain head, the act of union itself—in order to ascertain its provisions, and to see whether they bore out what was founded upon it. It would be found upon due inquiry that the opinion delivered by lord Hardwicke had no application to sending members to the House of Commons, but merely to the privileges of the corporation. The 22nd article of the act of Union related to the return of the forty-five members for Scotland, fifteen of whom were representatives for the royal Burghs,: it then proceeded to say, "that the town of Edinburgh shall have a right to elect and send one member to the parliament of Great Britain." Here was no mention of the corporation: the "town of Edinburgh" only was spoken of; and, in another part of the act, the "city of Edinburgh" was again mentioned, also to the exclusion of the corporation. There was no question, that an act of that kind ought to be construed strictly; and, strictly construed, the "town of Edinburgh," and not the town council, had the right to elect the member to represent it in parliament. Such a proceeding was consistent, not merely with the wording of the act, but with common sense.—It was really a little too much to hear the noble lord endeavour to depreciate the petition; it was wonderful that he did not take a more manly course, as an open and strenuous opponent of reform in every shape. Why should the noble lord endeavour to undervalue the respectability and importance of the individuals who had signed the petition? What did he gain by it? Nothing; because, whatever he might allege, it was not to be contradicted, that they were most respectable persons and all possessed of property. The hon. member for Yorkshire had stated, that corruption was not even alleged, much less proved; but without going thus far, was it not enough to say, that the city of Edinburgh was no longer what it was when the corporation was first composed? The inhabitants of that day did not exceed 12,000; but much as they had increased since that date, they were still rapidly increasing, and the city proportionably growing in magnitude and importance. He might enter more at length into this subject; and, if he did not do so at present, it was not because he did not feel the strongest zeal upon the question, but because the hon. member for Yorkshire, and the noble lord, had offered so little that required reply, and because it was needless to argue self-evident propositions. One of those was, that reform in the city of Edinburgh was greatly needed; and if it were not granted both there and elsewhere, the refusal would tend much to alienate the feelings of the people of Scotland from the House of Commons.—As no member rose to address the House,

Mr. *Abercromby* rose to reply. At least, Sir, (said the hon. and learned member) thus much has been gained for the people of Scotland—that no honourable member has ventured to vindicate the state of the representation of the city of Edinburgh. No one has had the hardihood to say, that he will undertake the defence of the existing representative system in Scotland. The hon. member for Yorkshire has insinuated, that reformers are generally republicans. At least, I am not a republican; for the leading principle of the reform I contend for, is to produce such a gradual and wholesome change in the representation of the people, as to arrest all danger of the establishment of a republic. Those, indeed, may be truly called republicans, who, adhering to antiquated defects, and modern corruptions, refuse to listen to the voice of a well-informed people calling for a rational change and an easy remedy. I am well assured, that, as education has advanced in this country the desire of reform has advanced also, and it will continue to advance, until at length the object is triumphantly attained. Do those who resist the motion of to night, and the prayer of the petitioners, really believe they can persuade the people of Scotland to think it safe and right, that they should be entirely excluded from all share in the representation? Does the noble lord, or even the hon. member for Yorkshire, flatter himself that he has powers of eloquence sufficient to make the people believe, that a parliament composed of individuals with whose choice they had nothing to do, will promote their interests, maintain their rights, or conciliate their esteem? Do not education and experience, on the contrary, teach them that, if they are to be secure in their liberty or their property, they must have a due share in the representation? All my calculations upon this great question are formed upon the rapid growth of knowledge, the progress of mental improvement among all classes; and this House will find, that unless some reform be effected, it will enjoy less and less the confidence of the nation. As usual, when the occasion offers, the self-love of the House has been administered to this night, with a prodigality of compliment, and the hon. member for Yorkshire has pronounced a panegyric which might have been received with more modesty and less violence of expression, had it been better deserved. He told us to look at the flourishing condition of the country and its unexampled prosperity; and followed it up by a declaration, that that prosperity had been produced by the ability, wisdom, skill, prudence, and above all, by the purity of parliament. But, let me ask who leads in every great question, this House, or the country? I will limit myself to the period during which I have been a member, and I say with the greatest confidence, that on all questions in which any thing has been gained to the public by the decision, the country has led the House, and not the House the country [hear! from Mr. S. Wortley]. Does the hon. member for Yorkshire imagine that I do not know the use he is prepared to make of what I have just said? I was aware of the manner in which it would be applied by him, and I repeat, that whenever any thing beneficial has been at last dragged from this reluctant House, it has been accomplished by the exertion of the voice of the people, raised so loudly and so widely, that no man even dared to be deaf to it [hear!]. But does it follow, that because the concession has been extorted after a series of years, that it might not have been obtained much sooner, had the nation possessed a due share in the representation. Had we not possessed a free press, and had not education made such rapid strides, the members of this House, fenced in by privileges, protected by power, and screened by corruption, would still have rejected the claim which they did not longer dare to deny. Some right hon. gentlemen whom I see opposite, and who have not long been in office, must be deeply convinced of the truth of what I am advancing. It is to their praise—and I do not wish to withhold applause where it is due—that they have endeavoured more to consult public opinion! their labours have been devoted, both before and since the commencement of the session, to secure popularity; thereby, give me leave to say, admitting the superior influence of the public, and the necessity of securing its favour. They may for the present, perhaps, accomplish their object by a good deal of artifice and some share of delusion; but this cannot succeed for ever; it must be seen through ere long; and though they may postpone it for a time, I believe that few of those whom I now address are weak enough to suppose, that they can at last avert the trial and decision of this great question of parliamentary reform. The people are every day becoming more and more convinced, that the only real security for all they cherish and esteem is to be found in securing to themselves that weight in the representation to which they are entitled. A good deal has been said regarding the signatures to the petition I had the honour of presenting last session, and it is not to be wondered at, that great efforts should have been made this night to do away with the effect of their numbers and respectability. Persons of rank and property only subscribed it, in acquiescence with the often-repeated claim of this House, that those who had nothing to lose, and every thing to gain, should not be brought forward to demand a change in that representation, with which they had no concern. And, after all that we have heard and seen on the subject of petitions for reform, is it for this aristocratic House now to turn round, and to taunt the people who remonstrate, with being aristocratic plebeians, and exercise an influence over those who are inferior to themselves? Yet, such was the language of the noble lord, who, as it suited his purpose, either exalted or vilified the most respectable classes in the city of Edinburgh. It has been observed, that, if this motion were carried, it would only be the beginning of a system of reform, and that the same principle must be followed up with regard to other places similarly circumstanced. I, for one, feel no difficulty in saying, that if I could succeed to-night—of which I cannot have much expectation—I should be ready to co-operate, personally, with those who may think it expedient to go further. I admit, that the introduction of this bill might lead to the reform of other places; but, those who apprehend therefrom the dissolution of the whole of the present system, must indeed think very poorly of their own cause, and very weakly of their own strength, if they mean to say that they could not stop at whatever point they thought fit. The argument, if such it deserve to be called, used against me and my hon. friends to-night, means no more nor less than this:—"We know the nature of the contest in which we are engaged: we know that public opinion and public knowledge are decidedly against us; and our only chance of maintaining ourselves is to resist with vigour the first attempt made to remove us." Is not this, let me ask, a strong proof of infirmity? They dare not even admit of inquiry; and that amounts of itself to an admission of all with which we charge them. It is an admission, that will sink deep into the minds of the people of Scotland, and will lead to ultimate success on the part of the petitioners. Let it be remembered, that we live in times when the people call things by their right names—when they are no longer to be imposed upon by pretences that might have satisfied their forefathers—when they know truth from falsehood, and can distinguish between an argument and an assertion. To make them believe what has been advanced by the hon. member for Yorkshire, and supported by the noble lord, you must deprive them of the use of their senses and of their understandings. You must prevent them from either hearing, reading, or speaking; for all are fatal to corrupters and corruption. When thus much is accomplished, you may perhaps make the people give credit to these two propositions: first, That they have no interest in the choice of their representatives; 2nd, That it is better that members of parliament should be chosen by 19 suspected persons, than by the whole body of the inhabitants. Give me leave to add, that the time will come when the House will be compelled to submit, and when it will not be allowed the opportunity of yielding with a good grace. When a wise and politic minister sees public opinion gathering head against him, he will endeavour to conciliate; and to do so in Scotland at the present time, is of the highest importance, even to those who are best satisfied with things as they are. In a country like this, while a free press exists, no efforts on the part of government can arrest the progress of public opinion; but the doctrine of to-night is, that though there is a great mass of public feeling in favour of reform, the tide, which cannot be turned, will be checked for a while by the sophistical and delusive argument of virtual representation.

The House divided: Ayes, 75. Noes, 99. Majority against Mr. Abercromby's motion, 24. The result of the division was announced, amidst loud cheering on the Opposition side of the House.

List of the Majority, and also of the Minority.

MAJORITY.

A'Court, A. H.
Alexander, J.
Arbuthnot, rt. hon. C.
Ashurst, W. H.
Astley, sir J. D.
Balfour, J.
Baker, E.
Bathurst, hon. S. T.
Blair, James
Bourne, rt. hon. W. S.
Brownlow, C.
Bruce, R.
Boyd, W.
Burgh, sir U.
Chetwynd, G.
Calvert, J.
Campbell, A.
Canning, rt. hon. G.
Cartwright, W. R.
Cherry, G. H.
Clerk, sir G.
Clinton, sir W. H.
Clive, hon. R.
Cockerell, sir C.
Cocks, James
Copley, sir J. S.
Cotterell, sir J. G.
Cripps, Joseph
Croker, J. W.
Cumming, G.
Curteis, E. J.
Dawson, G. H.
Disbrowe, W. C.
Davenport, D.
Dawkins, H.
Douglas, J.
Downie, R.
Dundas, rt. hon. W.
Dunlop, James
Denison, J.
East, sir Hyde
Eastnor, visc.
Ellis, C. R.
Ellison, C.
Eastcourt, T. G.
Fleming, J. (Saltash)
Forbes, sir C.
Fynes, C. H.
Gilbert, D. G.
Gladstone, J.
Gordon, hon. W.
Goulburn, rt. hon. H.
Herries, W. C.
Holford, G. P.
Holmes, W.
Hotham, lord
Huskisson, rt. hon W.
Horton, R. W.
King, hon. H.
Lamb, hon. W.
Littleton, E. J.
Long, rt. hon. sir C.
Lowther, visc.
Lushington, S. R.
Macnaughton, E. A.
Martin, sir Byam
Magennis, R.
Martin, R.
Miles, P. J.
Monteith, H.
Morland, sir S. B.
Mundy, G.
Nichol, rt. hon. sir J.
Nightingale, sir M.
Paget hon. B.
Palmerston, lord
Peel, rt. hon. R.
Peel, W. Y.
Phillimore, J.
Prendergast, M. G.
Rae, sir W.
Robinson, rt. hon. F.
Rogers, E.
Ross, Charles
Sandon, visc.
Scott, hon. W. H. S.
Seymour, H.
Somerset, lord G.
Sotheron, F.
Stuart, W. (Armagh)
Thompson, W.
Thompson, J. L.
Trench, F. W.
Walpole, hon. J.
Wellesley, R.
Wetherell, C.
Wilson, W. W. C.
Wynn, C. W.
Wortley, J. S. junr.

TELLERS.

Stewart, Wortley, J.
Binning, lord

MINORITY.

Althorp, visc.
Baring, Alex.
Baring, sir T.
Benyon, B.
Bernal, R.
Brougham, H.
Bury, visc.
Bentinck, ld. W. H. C.
Calcraft, J.
Carter, J.
Chaloner, R.
Clifton, visc.
Coffin, sir I.
Colborne, N. W. R.
Creevey, T.
Crompton, S.
Evans, W.
Ellis, hon. G. A.
Farrand, R.
Gaskill, B.
Graham, S.
Grattan, J.
Guise, sir B. W.
Gordon, R.
Haldimand, W.
Hamilton, lord A.
Heathcote, G. J.
Heron, sir R.
Hobhouse, J. C.
Honywood, W. P.
Hume, J.
James, W.
Johnstone, W. A.
Lamb. hon. G.
Leycester, R.
Lethbridge, sir T.
Maberly, J.
Macdonald, J.
Mackintosh, sir J.
Marjoribanks, S.
Martin, J.
Milton, visc.
Monck, J. B.
Newman, R. W.
Newport, sir J.
Ord, W.
Palmer, C.
Palmer, C. F.
Pares, T.
Pym, F.
Portman, E. B.
Ramsden, J. C.
Rice, T. S.
Ridley, sir M. W.
Robarts, A. W.
Robarts, G. J.
Robinson, sir G.
Rumbold, C. E.
Russell, lord J.
Russell, lord G. W.
Scott, James
Smith, John
Stanley, hon. E. C.
Stanley, lord
Stuart, lord P. I. C.
Sykes, Daniel
Tennyson, Charles
Tierney, rt. hon. G.
Warre, J. A.
Webbe, Edward
Western, C. C.
Williams, John
Wyvill, M.
Wrottesley, sir John
Whitmore, W. W.

TELLERS.

Abercromby, hon. J.
Kennedy, T. F.

BEAR BAITING AND OTHER CRUEL SPORTS.] Mr. *R. Martin* rose, according to notice, and stated, that the motion which he had to propose was, that a committee be appointed to inquire how far cruel sports, if persevered in, tended to deteriorate and corrupt the morals of the people. This was a proposition which he thought it was only necessary to be stated, to command universal assent from those who heard it. He hoped too, that if it was disputed, it would be met with something else than witticisms. It might be said, that animals were not possessed of those rights which man possessed; but he should contend, that though they could not be said to possess rights in the same degree as men, yet that being placed under the protection of man, they were entitled, so far as was consistent with the use which was given to man over the brute creation, to be treated with kindness and humanity. He thought, therefore, that unnecessary cruelty to animals, if it did exist, should be put down, and if they asked the magistrates of London, of its vicinity, and of the united empire, they would tell them that it did exist, and ninety-nine to one of them would vote, that it should be put down, as tending to corrupt the morals of the people. If animals could be contended to have no right to the protection of man, he still should contend, that the sports which were the object of his motion ought to be suppressed, as tending to corrupt morals, and endanger good order; and it was on this ground that he particularly founded his motion. He would tell the House, that the persons who were collected together at the bear-baitings, and badger-baitings were the lowest and most wretched description of people. They were the horse-butchers of the vicinity of the metropolis, the butchers' boys, the coal-porters—those were the description of people who frequented the bear-pits. When hon. gentlemen said, that bear-baiting and badger-baiting were to be compared to fox-hunting and partridge-shooting, he would gravely admonish those gentlemen how they might hurt their own popularity when they said that they could not put down these cruel sports without putting down the field-sports, in which they delighted. It was making them out to be as cruel and as monstrous as those monstrous wretches the bear-baiters. Those who sported on their own manors, or fished in their own streams, were a very different sort of men. He had known men as humane as men could be who followed the sports of the field. The gentleman who presided over Westminster school had said, that the Westminster pit was the greatest mischief and disgrace to the neighbourhood of the school, as, he was sorry to say, the gentlemen of the school were too much in the habit of attending it. Bear-baiting and badger-baiting were essentially different from fox-hunting and shooting: the badger was brought out, not to be killed at once, but to be baited, day after day, till he was torn to pieces by the dogs. It was impossible to put this on a footing with shooting or fox-hunting. He would just state one case which had occurred at the Westminster pit, it was a fight between an unlucky bear and a bull dog: the lower jaw of the bear was torn off, and he was then not killed and put out of pain, but allowed to languish in torment; the dog had its jugular artery cut, and died. The wretched animals that survived one combat were brought out month after month. He had seen one that had lived two years; its eyes were out, its lip torn off, and the keepers said that it was necessary to shoot it at last, as there was nothing left for the dogs to lay hold of. These sports were the amusement of the lowest rabble.—It might be said, that this cruelty was not the amusement of many. It was true that it was not; and therefore there was the less reason for defending them, because the many were annoyed by the few who practised those barbarities. He allowed, that if the thing were done publicly—if the animals were torn to pieces and tortured in the open streets—the nuisance would be greater; but the annoyance was great to any person of humanity to know, that at certain hours these horrible cruelties were going on. If this were to be called a right, he would say, that a right should not be allowed to exist so inconsistent with the happiness of others. It was asked, were they to interfere with the amusements of the people? He should be glad to see the man who would get up and say, that the bull-baiters were the people of England. The many were annoyed by these cruelties, and their feelings and happiness ought to be considered. If they wanted petitions, petitions would flow in from every part of the united kingdom, supplicating them to put an end to the cruelty to animals. The other day he had presented a petition from Manchester on the subject, and he thought it was a great honour that he was selected to present it, signed by 700 persons, and he was informed that the signatures were most respectable. Among them were all the resident physicians, and the physicians of the hospitals; men inferior to none in science and knowledge of their profession, and seven clergymen of good reputation for morals and learning. He knew there was another petition coming from Liverpool, and if any hon. member would go and knock at the door of every man in London and Westminster, he would find a vast majority who would pray for the abolition of these cruelties. He should not trouble the House further, except to move,

"That a Select committee be appointed, to inquire, whether the practice of Bear-baiting, and other cruel sports, has a mischievous effect on the morals of the people."

Sir *R. Heron* rose to give his utmost opposition to the motion of the hon. member, and he begged the House not to sanction such a petty, trumpery, and he would add, such a blundering kind of legislation. He would explain what he meant by the term "blundering kind of legislation," as that which had been adopted by the hon. member. In the course of the last session, the hon. member had said, that he would not touch upon bull-baiting, because he thought he was likely to be opposed in it; and yet, the other evening he had gloried in the attempt to put it down. This he would call a blundering mode of legislation; for an hon. member to glory at one time for having attempted that which, a short time before, he had declared he did not intend. Perhaps, the hon. member had intended to give the House one bull instead of another. He would oppose this motion, because he thought it went to trench upon the amusements of the people, and he did not think that they ought to be trenched upon unnecessarily. The legislature had not shown itself very favourable to the sports of the common people. He could not believe that the higher orders were cruel in their sports, or that the lower orders, who imitated those above them were cruel in theirs. The hon. member who brought this forward had either gone too far, or not far enough on this occasion. In his opinion, he went too far; but, on the hon. member's own principle, he would ask him what he thought of cock-fighting? or what he thought of another kind of sport, in which he did not know whether the hon. member indulged; namely, that of torturing an oyster by eating it alive? What did he think of fox-hunting? He was not a badger-baiter; but he really thought that there was just about as much cruelty in torturing a fox to death, as torturing a badger. But the hon. member, after abolishing those sports, must not rest there. He must carry his protection to animals still further, and move an humble address to the throne, praying that his majesty will enter into a convention with the king of France, for the purpose of abolishing the torture of frogs in that country. He must also, upon the principle of this motion, endeavour to do away with the manufacture of the Strasburg-pie, which, as was well known, consisted of a certain part of a goose, the liver, after that animal had been kept in torture for a considerable time. Looking at the tendency of the present motion, he could not support such a petty and trumpery mode of legislation, and should therefore oppose it.

Mr. *W. Peel* said, he gave credit to his hon. friend, for the excellent motives that actuated him, but he could not avoid seeing the gross inconsistency and partiality of the law that was proposed. They who were daily in the habit of pursuing amusements which had some degree of cruelty (though, perhaps, not quite so much as those complained of), were called upon to suppress the amusements of others, on the ground of cruelty. Now, unless the members of the House were disposed to give up their sports, he saw not how they could interfere with the sports of others. Bear-baiting and badger-baiting might not be very favourable to morality; but the people might say that it was not very favourable to morality for the higher classes to assemble on Saturday night, and continue till Sunday morning at the Opera. If his hon. friend would legislate—for which he saw no necessity—he would recommend him to fly at higher game, and abolish all cruel sports. The existing law, if enforced, would put an end to the disorderly meetings which his hon. friend complained of, and he could therefore see no ground whatever for the motion.

Mr. *J. Smith* said, that, although a part of the ridicule which had been directed against his hon. friend might devolve upon himself, he should nevertheless give the motion his support, and state the reason that induced him to do so. Nothing had been brought forward against the motion which could be fairly called argument. Something had been said which amounted to this—"We are cruel ourselves, and it would be extraordinary for us to prevent cruelty in others." That argument he could not use; for he was not conscious that he was cruel. But, setting aside pleasantry and recrimination, was not the honest truth this—that the cruel sports, to which his hon. friend had directed their attention, did great injury to the comfort, the happiness, and the good order of the people who frequented them? He had no experience personally of these sports; he had never attended them; but he understood, that those who frequented them were the lowest, the most unfortunate, and the most ignorant of the populace. They ought, it was said, to respect the amusements of the poor. No man was disposed to regard with a more favourable eye, the common people than he was; but the practices complained of were injurious to the real comforts and the happiness of those people. If they examined individually the history of those who attended these cruel sports, they would find them persons totally uneducated, that was, as to any moral or religious knowledge, and it might be an objection to his hon. friend's motion, that while such a mass of ignorance existed, they could not put an end to the taste for such amusements, and that the only way to put an end to them and to the race of men who filled the courts of justice with criminals, and the transports with convicts, was to educate the people. So long as the negligence continued, the evil would continue; and he felt it his duty, as an honest man, to lose no opportunity of holding up the evils to the view of parliament. He was sorry not to see present his hon. and learned friend the member for Winchelsea (Mr. Brougham) in his place, who was able so much more forcibly to urge on the House the duty of expending the superfluous money which he was happy to see they possessed, in some plan of general education. As, however, that was not likely to happen, he would support a motion, which would repress the evil, though it might not remove the root of it.

Mr. Secretary *Peel* disclaimed any intention to throw ridicule on the motion. There was nothing ludicrous in the subject, though there might be in the way of treating it; and, if his hon friend himself smiled at the hon. baronet's illustration of his argument from the mode of eating oysters, others might surely be pardoned if their risible muscles were similarly affected. The argument of the hon. gentleman who had last spoken, was this—uneducated people frequent barbarous sports. One of his own conclusions was perfectly just—"Educate the people;" but it was no argument for a special enactment to repress a particular species of amusement. On the contrary, the converse of the argument might be maintainable: in uneducated persons it might be said, an excuse can be found for these unphilosophical and barbarous sports; but educated men, who could derive amusement from literature or other pursuits, were the very individuals who ought to be punished for resorting to cruel sports. If his hon. friend began by laying it down as a principle, that all animals were under the protection of man, why did he limit his claims? Why would he protect the rough bear and the strong bull, who had at least a chance with their adversaries, and leave the unfortunate hare, the partridge, and the snipe, who could not resist their enemies, open to persecution? Why did not his hon. friend put down fox-hunting, which was just as cruel as badger-baiting? He could not call upon the House to accede to the motion, merely on the melancholy story of an individual bear, or badger, that had been ill-treated. Every man who pursued field sports must know, that in the course of them a vast deal of unnecessary suffering was inflicted on the animals. It would be easy for him to detail five hundred instances in which animals had suffered extreme pain; but the House would not suffer its judgment to be misled by its feelings so far as to legislate on such grounds. If the House were to act on this principle, they might extend their cares over a very wide field, for there was not a single sport in which animals were concerned that was not in its nature productive of pain and cruelty. How often might it occur, that a man of large fortune, particularly attached to that particular sport, should challenge all England to a grand cock-fight? His hon. friend said, he would put down cock-fighting. This was just what he (Mr. Peel) apprehended. His hon. friend would come to the House, session after session, now with some tale about a cock, and now with one about a bull, and call for enactments on each occasion. Why did he not attack horse-racing? His hon. friend seemed to say, that he desired him to do so. Now, he did not desire his hon. friend, to do any such thing. What he desired of him was, that he would forbear legislating on such subjects altogether. They were too minute—too much the property of local custom and regulation—to be fit matters for legislation. It was not that he meant to say the people might not be better without them; but even upon that consideration, it did not follow that the enactment which his hon. friend desired, ought to take place. Much might be said (pursuing this principle) in favour of a more extended and vigilant system of police, which, by perpetually communicating between one town and village and another, might greatly tend to diminish crimes and to protect property; but he had no hesitation in saying he liked the existing system with its imperfections better: he preferred England as it was, to what it might be under such an alteration of her police. He liked even the wild luxuriance of the plant; and would be the last to cut and trim it down to the prime precise standard which the hon. getleman's propositions would go to establish. He would rather that the House should turn its eyes away, than select the sports of the people for penal enactment. The fact was, however, that cruelty was by no means the vice of England, generally. As to what his hon. friend had instanced about the scenes that took place in the neighbourhood of Westminster, he thought him in error upon that point also; for he (Mr. P.) would punish the educated, and not the uneducated individuals who attended on such occasions, upon the principle, that if mischiefs were created, they were attributable to those who should have been aware of the fact; and that the habits and morals of the poor ever follow the course of the morals and habits of the rich. With singular inconsistency the hon. gentleman stated, that those scenes were attended only by the rabble; and in his very next sentence, he lamented the evil example they afforded to the patrician scholars of Westminster who were to be seen there. Could the hon. gentleman doubt who were the proper objects of his censure? But it was evident, that all this time the thing could not be prevented; for nothing would justify magistrates in dispersing a crowd assembled to witness a sport that was not illegal, even if the exhibition of that sport was likely to lead to some bad acts. On what principle did his hon. friend forbear putting down Ascot and Epsom races, to which, however, he annually withdrew himself, with many other members of the House? All the world knew that races were scenes of constant riot and confusion; but they were invariably attended by people of the highest rank and character, as well as by the rabble. He would contend that such amusements ought to be allowed. After the toils of the day, it was proper that there should be some places of relaxation—some species of amusement for the lower order; and if these were sometimes attended by shades of cruelty, it was far better so, than to introduce into the country one rigid system of undeviating morality. But, admitting that all such things were wrong, it was not clear they could be repressed by laws. There were many virtues, such as benevolence and charity, and he believed humanity was amongst them, which could not be inculcated by laws. The House must take care, in legislating, that they did not introduce worse evils than those which they attempted to cure. The arguments urged by the hon. member, as to the poor taking an example from the rich, should teach him, that the effectual way to improve the morals and amusements of the former, was to set about improving those of the latter. The House would do well not to give the world occasion to say, that the rich, in putting down the sports of the poor, preserved their own: or that they

> "Compound for sports they are inclined to,
> By damning those they have no mind to."

They would do well to take care, that in legislating for the abolition of cruelty, they did not introduce new vices among the people. He would like to ask his honourable friend, whether he really believed that there were twenty bears kept for baiting in all England? [Mr. Martin seemed to express an assent.] If his hon. friend could prove that there were twenty he did not think it would alter the case, as to the necessity of putting them within the protection of a statute. Nor could he understand how it happened, that his hon. friend, proposed to spare our alien-enemy, the bear, and to leave out of this amnesty those natural-born subjects, the hare, the partridge, and the pheasant. The powers of inquiry which this House possessed, were notoriously great; and, indeed, they had been not unaptly compared to the proboscis of the elephant; which, possessing sufficient strength to tear up by its roots the oak of the forest, had yet a capacity to select and lift up the minutest things. On the present occasion, he certainly did not think that those powers could be exerted by the House with dignity, advantage, or propriety. There was one species of cruelty to which his hon. friend had not adverted. It was however—and he said it with sincerity—but too common; he meant the spinning cock-chaffers upon a pin, suspended at the end of a string. In common consistency his hon. friend should bring in a bill to prevent children in future from spinning cock-chaffers. Because he thought that on such a subject legislation was not necessary—would do no good, and would not conduce to the interest of the brute creation, he should refuse his consent to such a legislative enactment as his hon. friend asked for.

Mr. *R. Martin* replied, amidst cries of question. The sports, he said, which he had left untouched, did not equal in cruelty those which he wished to prohibit, if they did, he would equally attack them. His right hon. friend therefore, had not answered his arguments. His right hon. friend, said, that shooting was as barbarous as the practices of the Westminster pit, and as tearing animals to pieces. If this were the case, his right hon. friend might like to pay the Westminster pit a visit. He knew his right hon. friend was very partial to shooting, and indulged in it freely; and he did not see why he should not also indulge a little in the sports of bear-baiting. He was sure the keeper of the Westminster pit, when he should learn what his right hon. friend had said would appropriate a box to the right hon. gentleman, and select some *white day* for him, when he might with decency attend. He was asked, why not go further, and deal with all kinds of sports? But this was no argument against him. If he could not save on a field of battle 900 men, why should he not save 50 per cent of them; and if he could not save 50 why should he not save 25 or 20 per cent of them? The more there was to be done, the less repugnance the House should feel to permit him to do a little. He knew his right hon. friend was laudably addicted to devotion, that he attended constantly to his Church duties, and he could not have done this without having heard the duty of humanity constantly enforced from the pulpit. The most learned divines, and divines the most respected for piety, had dwelt the more forcibly on this topic. Some of the most learned divines of the city of London, with whom he was acquainted, had thought to give themselves a claim to preferment by teaching such doctrines; but they would learn from the speech of the right hon. gentleman of that night, how much they were deceived. They thought they did not do their duty unless they enforced humanity; and many of the clergy had joined, perhaps to their cost, in petitions, which he had had the honour to present, to have this nuisance put down by law. He would not, for a very strong reason, press the subject to a division. That reason was, a tenderness for the House, and a regard for its character. There were many gentlemen who had not articulated an opinion on the subject, who would vote against his proposition; and he did not wish their names should go forth to the public in that majority, which he felt he should have against him. Though he believed he should not be left in a very large minority, and was quite sure he should be supported by some of the most distinguished members of the House he would not press his Motion to a division. The question was put, and negatived without a division.

CHURCH RATES IN IRELAND.] Mr. *Goulburn* rose to move for leave to bring in a bill to amend the act of Geo. IV. c. 68. relative to church rates in Ireland. The House would recollect, that an act was passed last session, to extend an act which already existed in England, to Ireland. By the act as applied to England, there were certain powers vested in the lord chancellor of England, and the amendment which he now meant to propose was, that the same powers should, with regard to Ireland, be vested in the lord chancellor of that country. The right hon. gentleman then moved for leave to bring in the bill.

Sir *J. Newport* said, he had before expressed his opinion of this bill and to that opinion he should adhere. A more mischievous bill—a bill, more fraught with oppression, or more calculated to do mischief—had never passed. Little time had been allowed, when the bill passed that House, to discuss or oppose it, and he had been surprised, on a reference to documents which he had found in another place, to see it stated, that this measure had undergone ample discussion in that

House. It had made a great alteration in the parochial condition of the people of Ireland; and he should propose, when the bill was brought in, a much more extensive amendment than that to be proposed by the right hon. gentleman opposite.

Mr. *Goulburn* said, that the right hon. baronet could not complain that the bill had not been discussed, for it had been delayed night after night, at his own request. He was convinced that nobody could maintain the present bill had caused any oppression, unless he was ignorant of the law as it stood before this act extended to Ireland.

Sir *J. Newport* said, he might be ignorant of the law as it at present stood. It was some years ago since he had made the law of Ireland his study; but, of what it was before the right hon. gentleman made all his innovations, he was not so ignorant as the right hon. gentleman.

Leave was given to bring in the bill.

Austrian Loan Convention.] Mr. *Hume* said, that his object was, to ask for information on the early part of this transaction. He could not believe that his majesty's government had come to a resolution respecting so large a sum of money, and to pay so large a discount, without some written proposal having been made. The House had had laid on their table the answer to the proposal of the contractors for the payment of 2,500,000*l.*; but he supposed this proposal must have been written as well as the answer. The document, therefore, which he wished to have laid before the House was, a copy of the contractor's proposal. It was not customary for the Treasury to give written answers to verbal offers. The contractors and the emperor of Austria were both parties to this negotiation. The emperor either made us an offer to pay 2,500,000*l.* or he did not. If he had made an offer to pay us 2,500,000*l.* why did we accept of 90,000*l.* less? The fact was, and this should have been stated in the treaty, that it was to pay us a sum less by 90,000*l.* than 2,500,000*l.* The hon. gentleman then moved, "That there be laid before this House a copy of the proposal of Messrs. Reid, Irving, and Co. Baring, Brothers, and Co. and N. M. Rothschild, esq. for paying the sum of 2,500,000*l.* into his majesty's Exchequer, on behalf of the Austrian government, referred to in a copy of the Treasury minute, dated 12th Oct. 1823, on the table of the House."

The *Chancellor of the Exchequer* said, he had flattered himself that recent discussions had satisfied the mind of the hon. gentleman, that nothing had taken place in the transaction in question of a secret or objectionable nature; and he still hoped that what had been already said was satisfactory to the House generally. If the hon. gentleman wanted a precedent for the transaction, he could not gratify him; for upon consulting the records of the Treasury, he had not been able to find any relating to a matter of at all a similar character. The hon. gentleman did not seem to understand this business, which had proceeded briefly thus: The Austrian government had proposed to give us a certain amount of Austrian stock: but that would have been a most unsatisfactory mode of settlement; for if this government had taken stock, they must have gone into the market with it. What they could have done in that case, he really did not understand, though he had no doubt they would have made but an indifferent bargain. This government would have been liable upon its sales to all the fluctuations to which the stocks were exposed. It was therefore thought the better plan to ascertain in what manner they could get at some money instead. The Austrian government agreed to this proposition; but, having no means of raising the requisite amount of money within their own territories, they employed certain capitalists in this country. This government then desired to know what money those capitalists could afford to give for this stock; and it was perfectly true, that in the beginning of the transaction, and before an offer was finally made, some written communications had passed between the contractors and the Treasury. The contractors, at length, on behalf of Austria, produced their *ultimatum*; and it had seemed to government much better to take what was offered than to say "If we cannot have all we want, we will have nothing." He really thought there was no necessity for producing all those written documents that, in a preliminary stage of the business, might have passed on this subject between government and the contractors; and not conceiving that the slightest blame could possibly attach to government for its share in the transaction, he could not feel himself justified in acceding to the motion.

Mr. *Hume* still thought, that if such a paper as he spoke of was in existence, the government ought to produce it. What he complained of was, that with this stock in their hands, they had not gone to the Bank or Exchange, and asked how much the public would give them for it. This was the usual practice. Government ought to have proceeded as it would with a loan; and to have said, "We have got 30,000,000 of florins, or whatever the sum was, in Austrian stock; who will give us most for it?" The chancellor of the Exchequer was not warranted in considering the supposed amount of two millions and a half, equal to that specific sum of money; or in granting the contractors a discount of 5 per cent, when money was at 4 per cent, and even less, all over the country.

Mr. *Baring* wished to furnish that information which his hon. friend seemed not to be in possession of. Undoubtedly, the offer alluded to did not exist as a document. There was no written papers of the kind. It was, on the part of those gentlemen who were interested with him (Mr. Baring), a specific proposal, in which the Treasury had finally acquiesced. After considerable discussions about the terms of payment, before the offer was made, it was at last made verbally, not by himself, but by one of the parties. Therefore no such paper existed. In the first place he would observe, that he fully concurred with the hon. gentleman in that general principle which he (Mr. B.) had so often advocated; namely, that transactions of this kind should be public. But, in the present case, there was no public operation to be performed, because the Austrian minister of Finance had made up his mind to give only a certain amount of stock and the government of this country determined to accept it. In the next place, the Austrian bankers at Vienna became, in the meanwhile, mixed up with the transction. They had granted a loan themselves to their government, and it was understood there should be no other without their consent. They therefore necessarily became parties to the transaction, and nothing could be done without their consent. Their government, again, could not send their stock here, through any other channel but the English government; nor would it have been decent in the latter, under the circumstances, to treat that stock in the public way that would have been then requisite. The contractors saw lord Liverpool and the chancellor of the Exchequer in the first instance; and the transaction became, in its completion, merely a verbal one.

Mr. *Maberly* conceived, that the objection of his hon. friend was directed rather against the principle of contracting loans in secret, than against the actual terms that had been obtained. The recovery of the loan itself was, as the chancellor of the Exchequer had well described it, a God-send, for the emperor of Austria might in fairness have got rid of the whole thing, in consequence of the negligence of our government in omitting to press the claim. He thought, with the secretary of state for the foreign department, that the emperor of Austria might have got rid, with fairness and justice, even of the payment which he had now consented to make. At the treaty of Paris, the emperor had transferred to another power his dominions in the Netherlands, for the defence of which dominions this loan had been contracted. He had, therefore, a right to say to the government of this country, "I have parted with the Netherlands, and the debt which I contracted for them must go along with the ceded provinces." In not using that language, the emperor of Austria had acted like a man of the highest honour.

Mr. Secretary *Canning*, after repeating his former eulogium on the honourable conduct of the emperor of Austria throughout the whole of this transaction, proceeded to show that the motion of the hon. member for Aberdeen was founded on a mistake. That hon. member seemed to imagine, that the British government had been in possession of the stock before there had been any intervention of the British bankers, and that it could therefore have gone into the market, and asked who would give the most money for the stock it had obtained. Now, this had never been the case. The Austrian government had wished to pay in a quantity of stock, and the British government to get paid in a determinate sum of money. When this became evident to the Austrian government, it became a question with Austria, how she should change her stock into money; and the money question in the first case arose with the Austrian bankers. It was not until the English houses had placed themselves in the situation of representatives of the emperor of Austria that any negotiation had been commenced with them by the British government, and during no part of that negotiation had they ever been considered as parties proposing to advance a loan to it. The point of information, therefore, at which the hon. member wished to arrive, was founded upon an assumption of facts that never had any existence.

Mr. *Hobhouse* asked a question relative to the nett amount that was to be paid into the Exchequer on account of this loan.

The *Chancellor of the Exchequer* replied, that the nett amount would be about 2,200,000*l.*, owing to some per-centages to be paid on it.

Mr. *James* complained, that the money so long kept back by Austria should be so much diminished as it must be by the per-centage allowed to the contractors.

The motion was negatived.

POSTAGE RATES—NEWSPAPERS IN THE COLONIES—NEW POST OFFICE.] The House resolved itself into a Committee on the Postage Rates. On the resolution relative to the rate of postage to the colonies,

Mr. *Hume* rose to inquire, why newspapers were not sent as free of postage to the colonies as they were to the Isle of Man and to Ireland? The high rate of postage at which they were charged prevented a free dissemination of knowledge between the parent state and the colonies. By returns which had been laid on the table, he observed that, for some time past, the number of newspapers sent to our colonial dependencies had been regularly diminishing. In 1810, the number of daily papers sent to them amounted to only 383; in 1817, they had diminished to 271, and in 1821, to 206. This was attributable to the high rate of postage charged upon them. A daily paper was charged 12*l.* 14*s.*; a paper printed three days a week, 7*l.* 14*s.* 4*d.*, and a weekly paper, about 2*l.* 4*s.* He was authorized to state, by more than one newspaper proprietor, that it was their decided opinion, that if newspapers were allowed to go free of expense to the colonies, the loss which would accrue to the revenue from such a measure would be more than compensated by the increased number of stamps which would then be used. He could find no act of parliament authorizing the government to levy postage upon newspapers going abroad; and if there was such an act, he should like to know where it was to be found. The hon. member concluded by moving a resolution, the effect of which was, to exempt newspapers from postage that were going to any part of the British dominions.

The *Chancellor of the Exchequer* observed, that as he had not expected this question to come on this evening, he had omitted to bring down with him a memorandum which would have enabled him to inform the hon. member, when the act of parliament was passed by which this postage was enacted. It was, however, an act of old date which imposed this postage, and which authorized certain officers of the Post-office to apply it to their own use. He was sure that all who heard him would agree, that there were no public officers who deserved a liberal remuneration more than the gentlemen engaged in the Post-office. Mr. Freeling was one of the most useful public officers in the country, and was therefore entitled to be most liberally dealt with. He had a fact to relate, which he thought would convince the hon. member that he would best consult the public convenience by withdrawing his motion. It would be recollected that, in the last year, the commissioners of inquiry had received powers to inquire into the various fees and emoluments received by the different clerks in the Post-office. They were now engaged upon that inquiry, and he thought it would be greatly impeded, if the House should come to a resolution to repeal those acts. He therefore trusted that the hon. member would withdraw his motion. If he did not, he must meet it with a decided negative.

Mr. *Hume* said, he had no objection to to put off his motion, if any inconvenience was likely to arise from it; provided the right hon. gentleman did not mean to let the question drop. He trusted there would be no objection to the insertion of a clause in the act of parliament, authorising the Treasury to carry such a measure into immediate execution, if the commissioners of inquiry should recommend it. His object in suggesting such a clause was, to guard against the evil of postponing the operation to another year.

The *Chancellor of the Exchequer* disapproved altogether of such a singular mode of legislation. They had no right to conjecture what the commissioners might propose, and therefore none to adopt any proceeding founded on the anticipation of their judgment.

Mr. *Hume* said, that all he wished was, to guard against the loss of a whole year, in coming to what he conceived to be a beneficial arrangement. It was possible, that the commissioners might delay their report to a period of the session which would render it difficult, if not impracticable, for parliament to act upon their suggestion.

The *Chancellor of the Exchequer* said, he could not pledge himself as to the time when the report would be made, but he was certain that no unnecessary delay would take place.

Mr. *J. Martin* said, that as the postage rates were before the House, he wished to ask a question relative to a project which existed some years ago of building a new Post-office. He believed that 140,000*l.* had been expended in purchasing land for the site of it. Now, was the idea of building it abandoned? If it was, the land ought to be sold, and the proceeds paid into the Treasury: if it was not, what had become of the plans, and when were they to be carried into execution?

The *Chancellor of the Exchequer* admitted, that this project had for some time past been in abeyance. By the act for building a new Post-office, the city had been compelled to advance a certain sum of money, and had actually advanced 80,000*l.* on the security of two city bonds. In the course of last year, the proceeds of one of those bonds had been paid into the consolidated fund, and the other was now in the hands of the Post-master-general. It had been submitted to him by some individuals in the city, that as the city had furnished so large a sum, some measures ought to be taken for carrying the projected plan into execution. The consequence was, that he had taken the subject into consideration; and, upon the best attention he could give to it, he had decided, that the interest of the public would be promoted by proceeding with it with as little delay as possible. Plans had been submitted to him, which appeared fully equal to the purposes for which they were intended, and orders had been since given to competent persons to execute them. Though much money had already been expended on this project, it would not be necessary for him to call upon parliament at present for more.

Mr. *Baring* wished to know whether the city had given the sum which it had been originally agreed that it should contribute. He had understood, that the whole of the money voted for this building had been expended, as was predicted in the committee, in buying and clearing ground for its erection. Was this so or not?

The *Chancellor of the Exchequer* said, that the city had complied with all the terms which had been demanded of it. He was sorry to observe, that a large sum had been expended in obtaining the objects which the hon. member had just mentioned.

Mr. Alderman *Wood* added, that the city had not merely complied with the terms exacted from it, but had also been 30,000*l.* out of pocket by this project.

Mr. *Hume* said, that there was another point to which he wished to call the attention of the right hon. gentleman. On Saturday, Sunday, and Monday, no foreign post left London. This was found very inconvenient by several merchants; and it had been suggested to him to ask, whether some alteration could not be made in the present practice, so that the foreign post should go out on alternate days throughout the week.

The *Chancellor of the Exchequer* gave no answer to this question,

The amendment was withdrawn, and the resolutions agreed to.

HOUSE OF COMMONS.

Friday, February 27.

Conduct of Mr. Chetwynd, a Member—Case of Charles Flint.] Mr. *Denman* rose to present a Petition, which he deemed to be one of very considerable importance, especially when he considered the vast powers which had been conferred on magistrates by a late act of parliament. The petition was from a Mr. Charles Flint, complaining of the conduct of a magistrate of the county of Stafford, acting as chairman of the court of Quarter Sessions in that county, who was also a member of that House; and he must say, looking to all the circumstances of the case, that the conduct of that magistrate appeared to call for a considerable degree of inquiry. He had felt it right to communicate to that hon. gentleman (Mr. Chetwynd), the contents of this petition; and, though it was not without pain that he brought forward an imputation on the conduct of any member of that House, he certainly thought that the statements made by the petitioner required to be rebutted by strong circumstances of justification, before the conduct of the hon. member could be reconciled to what was due from a magistrate of the country, in the correct and impartial discharge of his duties. The petition was of very considerable length, and contained a great variety of allegations, which could not, perhaps, have been compressed into a shorter compass. All these allegations the hon. member opposite had had an opportunity of seeing. Some reflections were cast by the petitioner on the supposed motives of the hon. member, on which he should abstain from making any observation; the facts of the case he should state to the House as briefly as possible. It was a circumstance well known in the county of Stafford, that certain disputes had, for some time, existed respecting the property of sir George Jerningham, a claim having been set up, by a person of the name of Cooke, to the title and estates of that baronet. These disputes had been carried on with considerable asperity in the neighbourhood; one of the tenants of sir George Jerningham had been actually turned out of possession, and an individual named John Wilkes had been put into possession, by virtue of a grant from the opposite party. John Wilkes having obtained possession, a person named Figgin, came shortly after to recover forcible possession, and he (Mr. D.) must say, that the legality of the means by which this was attempted was extremely questionable. The circumstances attending the forcible re-entry took place under the supposed sanction of an Act passed in the first year of the present reign, called the Wilful-Trespass act, which, in cases of wanton and malicious trespass, empowered constables, and indeed all other persons, to arrest and imprison the parties supposed to be guilty of such trespass. Now, he did not conceive that it had ever entered into the contemplation of the legislature, that this act could by possibility be applied to cases of disputed right. It could never have been intended by the legislature, that this act should apply to cases where possession had actually been obtained, and where the right of possession could be tried by the ordinary modes of procedure. Mr. Figgin, however, proceeded to recover possession under this act; he took several constables with him, and broke the locks which Wilkes had put on the gates. The constables then took into custody Wilkes, Hammersley, and other persons who were concerned with them in obtaining possession. Now this proceeding was, to say the least of it, exceedingly questionable, and the extraordinary construction which had been put on this recent act of parliament, entitled any steps which might be taken to question it to favourable consideration. In consequence of the arrest of these individuals, a number of persons, amounting to three or four hundred, collected round the constables; some strong and indignant expressions were used, but no violence was offered to the constables; no attempt was made to rescue the prisoners; nor was any assault committed except perhaps in the strict legal sense of the word. Mr. Flint, the petitioner, the legal adviser of Wilkes, and an assistant of his brother, who was an attorney at Uttoxeter in the same county, happened accidentally to be staying at an inn in Stafford on business relating to the corporation, when he heard that his client was being conveyed to prison. Mr. Flint proceeded to the spot, and repeatedly asked the constable to shew his authority. The constable replied that he had his authority in his pocket; but when the man was lodged in gaol, Mr. Flint went to the house of the constable to ascertain this fact, and found that he had no specific warrant for execution, but simply a warrant appointing him as a constable to keep the peace. It appeared from a full and correct report in a provincial newspaper, that there was no attempt whatever to resist the authority of the constable—nothing like personal interference, on the part of Mr. Flint, to rescue his client, or to excite others to rescue him. Even supposing, however, that there had been such a resistance of authority, it was extremely doubtful, under all the circumstances of the case, whether any of the party could be properly convicted of a riot; for if the Trespass-act was, improperly put into execution, they could not have been legally convicted of a riot, for having resisted such an unwarrantable exercise of authority. It appeared, however, that the part which Mr. Flint had taken on this occasion was perfectly unpremeditated; he happened to be at Stafford on business; he heard of the forcible arrest of his client; and, on coming to the spot where the transaction took place, he merely protested against the illegality of the proceedings, and took no part whatever in any acts of violence, if indeed acts of violence were committed by other persons. It certainly appeared to be a case in which the hon. member for Stafford (Mr. Chetwynd), the Chairman of the Quarter Sessions, was bound to direct the jury to acquit Mr. Flint, when he was indicted with the other parties for the alleged riot. But instead of taking this course, however, the Chairman had told the Jury, that it did not appear that Mr. Flint was an attorney, although this fact had been admitted by the counsel for the prosecution, and that if he was an attorney, his conduct was not justifiable. He declared, that in his opinion the case was made out equally against all the defendants, and that there was no distinction between the case of Mr. Flint, who had merely come forward to give advice to his client, and the other parties, who had assembled for the purpose of resisting the law. The jury hardly turned round, but almost immediately returned a verdict of Guilty against all the defendants [hear! from the Ministerial benches]. This conclusion might naturally be expected, after such a summing-up from the chairman. When sentence was to be pronounced, some more evidence was produced to show that Mr. Flint was engaged in examining the charter of the corporation at the time he was first informed of his client's arrest—a fact which had been admitted by the Chairman in summing up the case to the jury. There were only two justices in court, the hon. gentleman opposite (Mr. Chetwynd) and a reverend magistrate of the county. It was said, indeed, that the other magistrates were consulted about the sentence, but they were not present, and consequently they must have determined the mesaure of punishment without any opportunity of judging of the circumstances which might be urged against it. The hon. gentleman opposite, assisted by the reverend divine, came to the resolution, that no distinction ought to be made in the sentence pronounced on all the parties. The attorney who came unexpectedly to his client was to be treated like all the rest; and, accordingly, was sentenced to three months' imprisonment, and hard labour during the period of his confinement; which hard labour, as the House was aware, meant neither more nor less than that he was to be put to the tread-mill among all the felons and malefactors of the worst and most disgusting description. The state of the petitioner's health rendered him a very unfit object for this kind of labour, and it was not until this fact was certified by a surgeon, that the punishment was discontinued. He was sorry to say, that the petitioner owed nothing to the humanity of the visiting magistrates. Another statement made by the petitioner was, that his memorial to the right hon. the secretary of state for the home department, representing the circumstances which required some mitigation of his sentence, had been kept back by the gaoler. He was imprisoned in the month of October, and the memorial did not reach the secretary of state until the end of December. He must own that he felt some degree of surprise, that when a case of this nature reached the Secretary of State's office, no inquiry was made into it. The punishment inflicted upon the prisoner was utterly inconsistent with his situation in life, and the circumstances of the case. It might be proper to state, that this case had excited considerable attention in the county, and that on the 31st of January a meeting of the magistrates of the county had taken place for the purpose of taking the matter into consideration. A full bench of magistrates amounting to ten or twelve, met, and having discussed the matter they resolved not to inquire—not to mitigate the sentence—but to do what the House of Commons had done on a late occasion, when the conduct of ministers with respect to the Spanish question was brought under consideration; namely, to pronounce a panegyric on the conduct of the party accused. This they did without inquiry, and without the means of forming a judgment upon the case; for, with the exception of the rev. divine, not one of them was present when the sentence was pronounced.—It had been suggested to him that, as some proceedings had been instituted in the court of King's-bench by the hon. member for Stafford, this petition should not have been presented, until such proceedings had terminated; but he entertained quite a different opinion. He conceived, that the petitioner had a right to come before the House the very first moment he had an opportunity: and he trusted the House would be of opinion that this summary power of magistrates ought to undergo some consideration, and, if deemed necessary, that a part at least of those powers might be repealed, to prevent such an application of them as had appeared from the statement he had made. But how stood the case? The hon. gentleman had applied to the court of King's-bench for a criminal information against some of the London papers for the publication of these statements, accompanied by some observations which he considered libellous. Accordingly, a rule was granted, which was now pending. The publication in question had taken place at so early a period, that the information might have been moved for on the first day of the term: had that been done, the rule would now either have been made absolute or discharged, and the trial might then have taken place the next spring assizes; but the application had been delayed so long, that the rule could not now be made absolute until the next term, and the trial could not come on until the summer assizes; and, according to this course, the petitioner could not have an opportunity to present his petition until the next session. This statement, he conceived, was a sufficient vindication of the course which had been adopted. And besides, in fact, the question of the newspapers was collateral to the present subject. The statements in those papers, and the observations that accompanied them, might have been as gross and infamous a libel as ever was published, for any thing he knew; but it was ridiculous to suppose, that the hon. gentleman, in answering the allegations in the petition (and that was the only objection that could be set up) would let out the case which he meant to make at the trial. In point of fact, all that could be stated by the hon. gentleman had already appeared when the criminal information was moved for. However, he (Mr. D.) had now done his duty: he had stated all the facts of the case, he hoped accurately, and the result of that statement was this, that the act itself, in the first place, was illegal, for the offence did not come within the Wilful-trespass act; in the next place the resistance was not violent; whatever blame was attached to the conduct of some of the individuals, that by no means applied to another individual who happened accidentally to come to the spot and tendered the best professional advice he was capable of giving to his client. He was quite sure that the House, looking to all the circumstances of the case—considering the condition of the individual, and his situation in life—would be of opinion, that it was a little too hard he should have been sent to the tread-mill amongst common felons. He thought it right, in conclusion, to state, that the petitioner concluded by expressing a hope—"That this gross abuse of magisterial authority would receive the serious animadversions of the House, the only redress which the petitioner could receive, and which alone could be given by the hon. House; and the petitioner further intreated the honourable House to take measures for the prevention of a repetition of so gross an abuse of power, by the revision of an act which had been abused for the purpose of gratifying malignant feelings of prejudice and personal resentments." He should not deal fairly with the hon. gentleman, if he did not state that the petition ascribed to him personal motives for the course he had adopted. One of the causes imputed was, an altercation between the hon. gentleman and the brother of Mr. Flint, who practised as an attorney at Uttoxeter. But he should also state, that Abraham Flint, the brother, had been committed three years ago by the hon. gentleman for an assault upon a female. This assault he represented as very trifling; however, he was sentenced by the hon. gentleman to six months' imprisonment, and fined 100*l.* An appeal was subsequently made to the then secretary of state for the home department (lord Sidmouth), containing a statement of the case, and praying for a remission of the fine. However, lord Sidmouth, just at that period, retired from office, and was succeeded by the right hon. gentleman opposite (Mr. Peel), and one of the first acts done by the right hon. gentleman in his new office was, to liberate the prisoner, and remit the fine. Surely that act afforded a strong presumption that the magistrates had exceeded those just bounds which all persons holding such offices should observe! Whether the hon. gentleman himself had interfered, he did not know, but whoever did interfere, it was obvious it must have been done from an impression of too great severity in the sentence. One would have thought then, that the former transaction would have suggested moderation in the latter case. He had now gone through all the statements of the case, and he should leave them without further comment, and move for leave to bring up the petition.

Mr. *Holme Sumner* said, he rose for the purpose of opposing the bringing up the petition. Its sole object seemed to be to cast an imputation upon a most excellent and respectable magistrate, and a member of that House. When the House considered the talents and attainments of the hon. and learned gentleman whose character and conduct the petition impugned, they would easily perceive how competent he was to defend himself, and he was confident the hon. gentleman would give a most satisfactory refutation to all the charges contained in the petition. But, it might happen that an individual of less power and inferior talents would be placed in the same situation; and it was not every man, however strongly he might feel, that was able to express himself efficiently; and he contended, that no magistrate should ever be placed in such a situation. The deficiency which he complained of in the present petition was this, that a court of justice was the proper place to apply for redress, and there was no statement in the petition that such an application had been made. If the conduct of the hon. gentleman had been such as the petition represented, there could be no doubt that a criminal information would have been granted by the court of King's-bench, which would have been followed up, if deserving it, with due severity; and he would appeal to gentlemen who discharged the magisterial duties in the different counties—and a most onerous office it was—whether they would continue to act, if they felt themselves constantly liable to be called upon to defend themselves from such charges as these? If justice had been demanded, and the application refused, then the petitioner would have done right in coming to this House; but no allegation of that kind had been made, either in the petition, or in the speech of the hon. and learned gentleman who presented it, and therefore he should oppose the motion for bringing it up.

Mr. *Chetwynd* then rose and addressed the House to the following effect, evidently under the influence of very strong feelings —Mr. Speaker; I rise to present my most earnest prayer that the petition, which has just been presented to the House, may be brought up and read; for I should hold myself unworthy ever again to rise to address you—I should consider myself disqualified from ever again sitting on the justice seat—if, upon the ground of any technical informality, I objected to having the Petition received; or if I gave the slightest opposition to the most complete and unrestricted investigation of each and every one of the allegations it contains. I am, Sir, at this moment prepared to go through the details of that petition sentence by sentence; and, if it shall not appear from the facts which I shall state, and which I am happily in a condition to substantiate, that there is not the shadow of a foundation for any, even the smallest portion of those charges, I earnestly implore this House to visit upon my head their most heavy animadversion, even to dismiss me from the House, and to call upon the lord Chancellor to strike my name out of the list of magistrates. I implore the House to hear that petition read, and in the name of justice to hear my answer [loud cheers].

The *Attorney-General* (sir J. Copley) said, he was anxious to make a few remarks upon this subject, as it had fallen to his lot to be acquainted with some of the facts of the case. And first, he wished to advert to a statement contained in the conclusion of his hon. and learned friend's speech; he meant with respect to Mr. Abraham Flint, the brother of the petitioner. The fact was this: an application was made to lord Sidmouth, in the shape of a petition, to mitigate the sentence which had been passed upon him by his hon. and learned friend the member for Stafford. That petition was supported by the interference of his hon. and learned friend, but, after a perusal of the circumstances of the case, lord Sidmouth had been of opinion, that there were no grounds for a mitigation of the sentence. However, not satisfied with having gone so far, as soon as lord Sidmouth had retired from office, and was succeeded by his right hon. friend (Mr. Peel), so far from any prejudice remaining in the mind of his hon. and learned friend against that individual that he actually renewed his application to the secretary of state, and, on the second occasion, his prayer was attended with success, and his right hon. friend consented to yield to his intreaties. Then, he would boldly ask, what pretence was there for an imputation of undue prejudice in the mind of his hon. friend, against the present petitioner, or against any member of his family? Did not his own conduct furnish the best refutation [cheers]? Now, with respect to the present charge what were the facts? An individual was supposed to be guilty of a violation of the law, and having been arrested by a constable, an immense crowd of people assemble to the number of four or five hundred, for the purpose of rescuing him from the constituted authorities. He hoped the House would not be led away by the *ex parte* statements of the petitioner; for he must inform them, that the magistrates who sat upon the bench on that occasion, had had an opportunity in the court of King's-bench, of contradicting these statements, and that it had been done in the most satisfactory manner upon the affidavits of his hon. and learned friend, and of the reverend clergyman who presided along with him and several others. This man Flint was one of the party who had endeavoured to effect the rescue. Now, it was stated in the petition, that the magistrates had refused to bind these parties over to the Quarter Sessions; but this the magistrates had denied on oath, and declared to be untrue. Again, another important assertion was contained in the petition, although his hon. and learned friend (Mr. Denman) had not thought proper to advert to it. It was this, that although originally there was no intention to indict Flint, his hon. friend (Mr. Chetwynd), who was himself afterwards to sit upon the cause, had interposed to procure an indictment to be preferred against him [hear, hear!]. This base and libellous allegation his hon. friend had contradicted upon oath; and it was further contradicted by the gentleman who assisted in managing the business of sir G. Jerningham. If, then, he opposed the bringing up this petition, it was because the petitioner had ventured to calumniate a member of that House, and a magistrate, upon charges which had not even the shadow of a foundation [cheers]. What, in reality, were the facts of the case? An indictment was preferred against certain individuals, and the case came to be tried before a jury; when the evidence had been gone through, his hon. and learned friend who presided, read over every word of it to the jury most carefully. Was the individual unassisted? No; he was supported by the advice and talents of counsel; and, after a considerable length of time, the jury returned a verdict of guilty. It had been said, that his learned friend in his summing-up had stated the law improperly; but, were the House to believe this on the bare, unsupported statement of the accused and convicted party. Mr. Clair, the other magistrate, had stated, that he had approved every act done by his hon. friend who presided. Then, the next step upon which an accusation was founded was the sentence which was pronounced. Let it be recollected, that these parties were convicted of a riot. But, did his hon. friend act upon his own judgment? No; Mr. Clair sat in conjunction with him. But, even they did not rest upon their own judgment; they applied for assistance to the other magistrates who were in attendance, one of whom his hon. and learned friend (Mr. Denman) very well knew—he meant sir Oswald Moseley—and they were unanimously of opinion, that the judgment had been most correct and proper [hear, hear!]. Then, surely, if his hon. friend deserved censure, all the others were equally censurable. So far then for the trial, the charge, and the judgment. The next point to which his hon. and learned friend had alluded was, the hard labour to which this individual had been consigned. His hon. and learned friend had talked of his punishment at the tread-mill for three months. But, to shew how false this statement was of harsh treatment, he was prepared to prove, on the representation of the individual himself, that he had been only on the tread-mill for five hours [cheers].

Mr. *Denman.*—Do you mean for five hours in all?

The *Attorney General.*—Yes; for five hours altogether. He was subsequently employed in carding and spinning wool, and, on a further representation from the individual, he was allowed to remain entirely idle. As to his having been shut up for forty days, and deprived of any intercourse, and of his being allowed nothing but bread and water—points which were contained in the petition—as his hon. and learned friend had not touched upon them, he should say nothing; but he would just put the matter to the House in this way. In consequence of the publication of statements in the London papers, similar to those in the petition, his hon. friend (Mr. Chetwynd) had moved for and obtained a criminal information, in the court of King's-bench; his hon. and learned friend (Mr. Denman) had stated, that there were some observations upon the statements, which also formed a ground for the application. Whether this were the case or not, he was not prepared to say; but the main charge was the statement which was now repeated in the petition. The House were aware, that the court of King's-bench never granted a criminal information, until all the facts were disproved upon oath; so that all the material allegations had been contradicted upon affidavit by his hon. friend, by Mr. Clair, by the agent of sir G. Jerningham, by the task-master of the prison, and, in fact, by all who were in a condition to give a direct negative to the charges [cheers!]. The reason why any delay had taken place in the court of King's-bench was, because the defendants themselves had applied to the Court to allow the case to stand over till the next term, in order that they might be prepared with matter to answer the opposite side; so that the charge of delay did not attach to his hon. friend. He certainly thought, as had been anticipated by his hon. and learned friend (Mr. Denman), that it would have been more proper to have postponed the presenting of this petition until after the question had been investigated in a court of law, in that manner alone in which it could be fairly investigated; unless it was supposed by the petitioner, that an *ex parte* statement in this House would have injured the case of his hon. friend. The consequence to the petitioner would be, that if every one of his statements were false, no legal responsibility would fall upon his head; whereas, if he had made false representations on oath in a court of law, he would have been liable to a prosecution for perjury. Upon all the grounds which he stated, he should most certainly oppose the bringing up the petition.

The *Solicitor General* (Mr. Wetherell) said, that putting out of consideration for the moment, the talents and character, and gratuitous services of his hon. and learned friend, the member for Stafford, he should contend, that no magistrate in the country ought to be left at the mercy of such a petition as that which had been offered to the House. Three courses were open to the petitioner; the one was, to move for a criminal information against his hon. and learned friend; the second was, a petition to the great seal; and the next, an application to the lord-lieutenant of the county. But, instead of this, the petitioner had called upon the House to form itself into a court of criminal jurisprudence, which they were not competent to do; and, if the House should resolve to entertain this petition, they would knock out of the lists all the ordinary and constitutional modes of redress. Until he was satisfied that all the ordinary means had been resorted to, he should not consent to the receiving this petition. His hon. and learned friend had called upon the House for an opportunity of vindicating his character; but, would the House allow that? He had not the slightest doubt that his hon. friend would be able to prove that every line of the petition was a most base and scandalous calumny. But, would the House allow him to be put upon his trial? If a magistrate had been accused, who was not a member of that House, there would be neither law nor precedent for adopting the course which the petitioner had pursued. Why, then, should it be different, because the individual was a member of the House of Commons? It did so happen, that an hon. member of that House was accused, who had talents and abilities to defend himself, and who had sufficient spirit and honour to stand up in his place, and demand inquiry. But, it was the duty of the House to say, "You shall not be put upon your trial; for, according to the constitution, you cannot be tried" [cheers!].

Mr. Secretary *Peel* said, that on the subject of the presentation of the petition, or the propriety of receiving it, he should not say one word; for, in that respect, he felt himself somewhat in the situation of his hon. friend, the member for Stafford, inasmuch as the exercise of his judgment had been called in question. But, if an inquiry were to be set on foot, and he were called upon to account for the reasons why he had abstained from advising the Crown to exercise the prerogative of mercy, then he should endeavour to give a satisfactory explanation of his decision. There were three points upon which blame was attributed to him in his official capacity; the first was, the nature of the inquiry which he had instituted; the next was, the delay in commencing it; and the third was, his not having advised the Crown to exercise the prerogative of mercy. With respect to the two first, he should endeavour to give a satisfactory explanation. On the last, he should be silent; because it would be impossible to explain the various motives that would induce one to abstain from giving such advice without going into a full detail of the particulars of the case. The two preliminary points, as to the nature of the inquiry and the delay, he should proceed to explain, and from that explanation, the House would draw an inference as to the propriety of the other. The first case was that of Abraham Flint: and it had been very justly stated, that his first act on his coming into office was, to advise the Crown to exercise the prerogative of mercy in the case of that individual. He held in his hand a letter which he had received on the subject from his hon. friend (Mr. Chetwynd). It appeared, that after the conviction of Abraham Flint, it happened, that, upon the trial of another individual, an accidental circumstance had occurred, which materially affected the credibility of one of the witnesses who had deposed against him; and immediately upon the discovery of this fact, he received from his hon. friend a letter, containing these words: "I now feel fully justified in imploring the royal mercy for the liberation of this unfortunate man: he is at present suffering most severely; his family are in the greatest distress; and I earnestly entreat your earliest attention to his case." And this is the individual who is supposed to be influenced by undue prejudices against the family of the petitioner [cheers!]. Now for the question of delay. That letter was dated, Lichfield, January 29, 1822; and upon the back of that letter, he found written the words, "Immediate—to be complied with;" and on the 1st of February, Abraham Flint was accordingly liberated. But to come to the subject of the present petition. This man was convicted in the month of October, and he had no means of knowing, as the House would suppose, that any such conviction had taken place; and, in fact, it was not until the December following, that he had received the least knowledge either of his trial or conviction. And really he thought it was a little too hard that he should be accused of delay under such circumstances! and before the hon. and learned gentleman (Mr. Denman) had made up his mind to impute to him any unnecessary delay in the discharge of his official duties, he ought, at least, to have taken some pains to make himself acquainted with the real circumstances of the case.

Mr. *Denman* said, he had been quite misunderstood. He did not of himself impute any delay to the right hon. gentleman: he had merely stated, that one of the allegations contained in the petition was, that the memorial had been detained for a considerable time, he had expressed no surprise, nor made any complaint, and for this reason, that he did not know at what date the memorial had reached the right hon. gentleman.

Mr. *Peel*, in continuation, said, that on the 6th of December he received the first communication on the subject, and that was contained in a letter from Mr. Tooke, the law-agent of Mr. Flint, and he requested that he might have an opportunity of stating the circumstances of the case to the secretary of state. He was not at all aware of any such trial having taken place, until the receipt of this intimation, and accordingly he sent back an answer to Mr. Tooke, stating, "That if it would be any satisfaction to Mr. Tooke to see Mr. Peel on the subject of Flint's case, he should be ready to receive any communication. But it was Mr. Peel's invariable course not to act upon a statement in any criminal case, that was not communicated in writing." Any one at all acquainted with proceedings in criminal cases, would at once perceive the policy of this rule. Upon the 6th of December he received the first intimation of the transaction, and he immediately applied for information; and on the 17th of the same month he received the answer; so that the period that had elapsed between the 6th and 17th of December was all the delay that had been complained of. Then, with respect to the nature of the inquiry, he in the first instance applied to his hon. friend (Mr. Chetwynd), and he should be ashamed, if, while he professed to repose confidence in him, he had applied to any other. His hon. friend was not content with sending back a short and immediate answer, but had entered into a detail of all the evidence, and had sent besides a literal transcript of the charge which he had delivered to the jury, and had concluded, by requesting him (Mr. Peel) to judge for himself what course he should pursue. It was not his intention to enter into an explanation of the course which he did adopt; he should content himself by stating, that he felt quite satisfied that the sentence was a just and lenient one, and that he would have acted imprudently if he had advised the Crown to interpose the royal prerogative.

Mr. *Littleton* said, that notwithstanding all that had been offered, he could not forbear from making a few remarks. It appeared to him, that the charges were wholly without foundation; for he believed, in the administration of justice, or in the performance of the other magisterial duties, a more scrupulous magistrate did not exist than his hon. friend. He could not conceal his surprise at the manner in which the hon. and learned member had introduced to the notice of the House what he was pleased to call the allegations in the petition which he held in his hands. He would appeal to their recollection, whether the hon. and learned member did not appear to identify himself with the case of the petitioner [No, no, from many members]. The magistrates, he could take upon himself to say, after the fullest inquiry, had conducted the examination of witnesses, and the whole proceedings of the trial in the fairest way. They had been most solicitous to put themselves in possession of the actual state of the facts; and the universal conviction of all was, that his hon. and learned friend, the member for Stafford, had conducted himself, as was to be expected from his high character, in the most impartial and judicious manner. He had himself received a communication from Mr. Clair, a magistrate of the county, who sat on the bench with the hon. member for Stafford, requesting him to say, that if any blame attached to the chairman of the Quarter Sessions, he was ready to take his full share of responsibility; and that if it was deserving of censure, which he denied, it must equally attach to himself. There was another magistrate also present, who had expressed the fullest approbation of the conduct of his hon. friend; he meant sir Oswald Mosely; and he did expect that the gentlemen on the opposite side of the House would repose confidence in an opinion proceeding from that most upright and conscientious authority. It was most true, that the petitioner, with five other persons, were convicted, and sentenced to imprisonment and hard labour. Undoubtedly, the other individuals convicted with the petitioner were in the humblest walks of life—they were tailors, shoemakers, or such-like description of persons; but, would it be contended, that a difference was to be made in the punishment of the persons so convicted, on the ground of any difference in their respective stations of life? Surely, that House would never recognise the principle, that there was one law for the poor, and another for the rich! The truth was, that by certain proceedings the county had been much agitated, and it became the duty of the magistrates to prove that the law could not be violated with impunity.

Mr. *Sturges Bourne* said, he could not consent to allow the petition to be brought up. His objection was this, that the hon. and learned member alleged no corruption to the magistrates. If the petition did allege corruption, then this was not the proper tribunal for the appeal. The court of King's-bench was the court to which the petitioner ought to have taken his complaint. The gravamen of the charge was not against the summary nature and arbitrary conduct of the jurisdiction, but against the finding of the jury; a matter upon which the House could not erect itself into a tribunal of appeal.

Mr. *Hume* deprecated any decision on the part of the House, which would go to shut its doors against the complaints of the people. If he understood his hon. and learned friend who presented the petition rightly, the petitioner was ready to verify the truth of his allegations, not only on his own oath, but by the testimony of other witnesses. Recollecting that such was the statement of his hon. and learned friend, he could not but consider him rather hardly dealt with, when hon. members imputed to him the attempt to identify himself with the petition. He knew nothing of the particulars of the petition, but from the spirit with which it was met, there appeared something like a grudge, which excited in his mind a degree of suspicion. Let, however, the complaint be received; let the petitioner at least be allowed to lay his statement on the table, and then, if an investigation should take place, the merits of the case would be understood. This would be acting upon the principle of justice to all parties. But, at all events, there was this higher question; namely, that the doors of the House of Commons ought to be thrown open to the petitions of the people.

Sir *John Wrottesley* said, he had signed the resolution of the magistrates passed in approbation of the conduct of the chairman and concurred in every thing that had been advanced by the Attorney-general upon the same subject. He had, however, made one reservation, which had not been strictly observed; namely, that the resolution should not be directly published. His reason for thinking it unfit for present publication was, that the conduct of his worthy and excellent friend, the chairman, had been attacked in one of the public Journals, the British Press, in a manner which he would not stigmatize with any particular epithets at present, because it was likely to become the subject of judicial decision: he would only say, that the attack was such as no person of honour and sound feeling could suffer to pass, without calling for the decision of a court of justice upon his conduct. He could not accede to withdrawing the petition, because the conduct of the magistrates, which he thought unimpeachable, was concerned too deeply in the decision; and he asserted, without fear of contradiction, that in the whole kingdom there did not exist a more temperate, feeling, or impartial magistracy, than that in the county of Stafford.

Sir *Robert Wilson* said, he had listened with great attention to all that had been offered by hon. members against the reception of the petition. The hon. member for Surrey had opposed it, on the ground of the hardships to which the magistracy of the country who were not orators and rhetoricians, or so well able to defend themselves as the hon. member for Stafford, would be exposed, if petitions of the character of the present, were received by that House. The learned Attorney-general had opposed the reception, because he denied the truth of its allegations. The hon. member himself, whose conduct was attacked, with a feeling that was highly creditable to him, had expressed a solicitude to have the whole proceedings inquired into. He knew nothing of the particulars, but after such an avowal by the hon. member for Stafford, he considered the conduct of his friends at least injudicious. The new tone assumed that night, in speaking of the petitions of the people, ought to be met in the commencement with reprehension. Were the doors of the House of Commons to be closed against the people of England? If he stood alone he should divide the House against such an attempt.

Mr. *Wynn* observed, that ever since the House of Commons had been a house of Commons, one uniform custom had prevailed with reference to the receiving of petitions. No member, it was held, was justified in presenting a petition, unless he was prepared to pledge himself to the truth of its allegations [No, no, from the Opposition]. No individual, he would repeat, had a right to make the access to that House a matter of convenience for himself in attacking the character of magistrates and others. The members of that House were bound to present no petition that was disrespectful [hear, hear! from the Opposition]. It would be a safer and wiser course for hon. members to wait until they heard the end of the sentence. If the hon. member who was accused was not present; if he had no advocates in that House, and was himself not a member, still he (Mr. Wynn) should have opposed receiving a petition, complaining of a judicial proceeding before a competent tribunal. If any abuse or malversation existed, the constitution, in such cases, provided a legal remedy. It was stated by the hon. and learned gentleman who presented the petition, that the petitioner imputed corrupt motives. Under such circumstances, his means of redress were through an application to the court of King's-bench.

Mr. *Bright* said, he had not a single doubt of the truth of all that had been urged in defence of the conduct of his excellent and very worthy friend, the member for Stafford, but, throwing aside all personal feeling and consideration, he called upon the House and especially upon the country gentlemen present, to reflect deeply how far the conduct recommended with regard to this petition agreed with the right of the people to present petitions to parliament, which right was secured to them by the great charter. He would assent to the withdrawing of the petition, but not to the opposition made to bringing it up. He never would consent to so dangerous an encroachment on the people's rights. Were they really prepared to say, that because a magistrate happened to be a member of that House, the House would not hear any petition accusing him of malversation? The right hon. gentleman said, that a member presenting a petition, was bound to take care that there was nothing disrespectful to the House in it. But, would any one say that a petition was disrespectful to the House, which sought the interference of the House in a case of alleged oppression? For what purpose did they sit there, if not to listen to the complaints of the people? It was said, that the complaint in the petition, if true, was matter tryable by the ordinary jurisdictions. He allowed that that might be the more proper course: but it was one thing to deny the truth of a petition or the propriety of its appeal, and another to refuse to hear it. It did not follow that they must adopt its suggestions, or that a member might not be prepared to refute the allegations in it, or that the House would not throw it out. But, how could they know the merits of its contents without first hearing it? Some said that it ought not to be entertained or received, because it was an appeal from the common jurisdictions, for which there was remedy in the courts of law. Now, he understood that a part of the prayer of the petition was to alter an oppressive law. The petitioner complained, that he had suffered under the oppression of that law. Would the House, then, refuse to hear him, because he asked of them to repeal that oppression? The allegations might be true or false; but he offered grounds for his complaints, and petitioned for a remedy. All that was required in the first instance, was for the House to listen. It was an appeal, not to their judicial, but to their legislative functions. To refuse leave to bring the petition up would be oppressive. His own wish was, that his hon. and learned friend should withdraw the petition, under the peculiar cicumstances of the case; but, if the presenting of it were pressed, he trusted that the country gentlemen and all the other members would recollect that, in defending the great constitutional right of petition, they were best securing their own rights and interests.

Mr. *Canning* expressed a desire to know, whether it was the intention of the hon. and learned gentleman to withdraw the petition or not?

Mr. *Denman* said, he could not give a positive answer, as he understood that an hon. friend would not consent to its being withdrawn.

Mr. *Canning* said, that his wish was that the petition should be withdrawn. If it were not, he must oppose its being brought up, simply on the ground, that it prayed for that which it was impossible for the House to grant, namely, that it would reconsider and reverse the verdict of a jury.

Mr. *Peel* said, that the hon. and learned member seemed to be displeased with him for not reversing the sentence of the Quarter Sessions. With regard to his own individual feelings, he could have no objection to the adoption of that course by the petitioner, with a view to a revision of the case; and if the petition were withdrawn, the case would stand just as favourably as before for that purpose.

Mr. *S. Wortley* entreated his hon. friend the member for Surry, not to persist in his opposition to the withdrawing the petition.

Mr. *Sumner* considered the petition a gross abuse of the privilege of the House, and could not yield to the wishes of those who expressed a desire to allow it to be withdrawn.

The *Chancellor of the Exchequer* said, it appeared to him that the argument brought forward by the hon. member for Surry would apply, if the hon. and learned gentleman persisted in pressing the House to receive the petition, but it had no application if the hon. and learned gentleman wished to withdraw it.

Mr. *Denman* observed, that although he knew he had no right to reply, yet as he had had so large a share in this business, he trusted the House would allow him to say a few words. It had been supposed by some hon. gentleman, that he had mixed himself too much up with the merits of the petition. Now, the truth was, that he had not offered any opinion whatever on the disputed facts. But those who made that assertion, seemed to forget that the strongest part of the impression made against the petition, consisted of a number of allegations by the hon. and learned attorney-general, who had acted as counsel for the hon. member for Stafford; and yet the House would not listen to the original allegations against which that counter-statement was made. It was very possible that the allegations of the petition were false; but that was no reason for refusing to receive it. It was enough that the petitioner felt himself aggrieved. If his petition was couched in respectful language towards the House, and distinctly stated the grievance of which he complained, he (Mr. D.) conceived, that any member was bound in duty to present it. He did not mean that the serjeant-at-arms might run after him and insist on his doing so; but he was bound in the ordinary acceptation of the term. According to some hon. gentlemen, however, a petitioner, in such a case as the present, was bound rather to make an application to the lord-lieutenant of the county, and then to the court of chancery, to wait at the door there until all the appeals from other courts, the bankrupt causes, the chancery suits, &c., were disposed of, in order that the lord chancellor might then, perhaps, have leisure to examine whether the magistrate complained of ought to be struck out of the commission. Was not the ship-money case a grievance? yet it was the result of a trial. Possibly, too, the decision of the Judges on that case might have been perfectly legal; yet the House of Commons, of that day, willingly received such petitions: and he maintained that unless the House of Commons, of the present day, received such petitions, as that which he had presented, they would abandon one of the most valuable of their functions. It had been put to him personally, as sometimes presiding in a court of justice, whether he would like to have his decisions petitioned against to that House. He hoped that neither himself nor any other magistrate in the House would wish to escape an appeal to that House, if it were even supposed that he had acted illegally. In the present case, the Trespass act had been improperly put in force, and the punishment had been excessive and oppressive. He recollected an instance in which his own conduct had been pretty sharply arraigned in that House. Indeed, he trusted that, from the highest to the lowest judicial characters in the country, there was not one who was not amenable to the House of Commons for his conduct. Under all the circumstances of the case, however, and seeing the temper of the House upon it, he was disposed to withdraw the petition, dreading lest a majority of that House should establish, by their vote, that such a petition ought not to be brought up, although they had not heard it read, and could not, therefore, be aware of its contents. Whatever became of the petition, he was convinced that the discussion which had taken place would do good.

The petition was then withdrawn.

Ordnance Estimates.] The House having resolved itself into a committee of supply,

Sir *H. Hardinge* rose for the purpose of moving the Ordnance Estimates. He observed, that he was not disposed to trouble the committee with any preliminary remarks on estimates, which, he trusted, would speak for themselves. Without any further preface, therefore, he would endeavour to give as clear an idea as possible of the subject, to which it was his duty to call the attention of the committee. That subject divided itself into three distinct heads—Ordnance, Barracks, and Commissariat of stores. And first, with respect to the Ordnance. The sum which it was proposed to vote this year for Ordnance was 978,342*l.*; being 91,658*l.* less than the sum voted last year; namely, 1,070,000*l.* But, from that apparent diminution must be deducted 24,000*l.*; being the expense of the Ordnance Barracks in Great Britain and Ireland, which, since last year, had been transferred from the Ordnance Estimates to the Barrack branch of the department. The real diminution, therefore, of the Ordnance this year, as compared with last year, was 67,658*l.* The items under the general head of Ordnance were as follow:—In the ordinary expenses of the Ordnance there had been a diminution of 15,588*l.*, consisting, among other items, of a reduction of about 6,000*l.* in the civil establishments at the Tower and Pall-mall; a reduction of above 1,500*l.* in the expense of the Royal Military Academy at Woolwich; a reduction of 3,000*l.* in the Medical Establishment, &c. In the extraordinary expenses of the Ordnance there was the great diminution of 54,940*l.* This, in a great measure, arose from a diminution of expense in the repair of works and buildings in the Engineer department. Although this was very satisfactory as far as it went, yet he could not hope that the reduction would be a permanent one; for, during the last year, the repairs had been so small, that what was absolutely requisite had scarcely been done; so that this sum must be considered as a suspension rather than a reduction of expense. There was a saving of 5,000*l.* in the Storekeeper's department; 6,000*l.* less than last year had been expended in Stores; and 1,500*l.* less in small arms. The Ordnance unprovided services amounted only to 1,090*l.*; being 9,572*l.* less than the amount last year, namely, 10,662*l.* For the small amount of the Ordnance unprovided services in the present year the public were indebted to the new mode of keeping short accounts, introduced by the master-general. This was the more desirable, as considerable jealousy had always been shown in the House, with reference to this particular estimate. These three items, the Ordinary, the Extraordinaries, and the Unprovided, closed the charges for the effective part of the Ordnance in England. The expense of the effective part of the Ordnance for Ireland was 89,768*l.*, being 10,465*l.* less than that of last year, namely 100,233*l.* The total charge of the effective part of the Ordnance for Great Britain and Ireland amounted to 757,662*l.* being 60,565*l.* less than the expense last year, namely, 848,227*l.* This sum of 757,662*l.* by the deduction of 141,432*l.* on account of rents, sales of old stores, savings, and unexpended sums of former grants, in England and Ireland, would be made 616,230*l.* To this were to be added three further items. The Military Superannuated 312,572*l.*, being 5,580*l.* less than the charge last year; namely, 318,152*l.*—a diminution principally attributable to the reduction of twenty-four ordnance barracks. The Civil Superannuated 48,140*l.*; being 1,935*l.* less than the charge last year, namely, 50,075*l.* In this department, a great reduction had been effected by the Master-general of the Ordnance; 230 clerks having been reduced. By that reduction, the labour of those who remained had been greatly increased; still the old allowances and gratuities were diminished. By these means a great saving had been effected. The last item was the Exchequer fees, 1,400*l.*, being 66*l.* less than they were last year; namely, 1,466*l.* If all these items were added together, it would appear, that the gross sum which it was proposed to vote for the Ordnance for the service of the year 1824, was 1,410,044*l.*

The next portion of the estimates to which he would draw the attention of the committee, consisted of the Barrack estimates. In these estimates, although there appeared to be an excess beyond the last year, there was in fact, a small diminution. The sum which it was proposed to vote was 114,531*l.*; that voted last year, was 100,000*l.*; being an apparent increase of 14,531*l.* It must be recollected, however, that the ordnance barracks, the charge for which in Great Britain was 19,000*l.* had been transferred to this department; so that in fact, the expense was less by 4,500*l.* than last year. This reduction had been principally effected by the abolition of 11 barrack stations. During the war, there were barracks for 167,000 men; but they were now reduced to barracks for 42,000 men; being a reduction of barracks for 125,000 men. The expense of the barracks during the war, was 620,000*l.*; the present charge was 121,614*l.*; being a diminution of nearly half a million. The other items of the barrack estimates were, 14,736*l.* for pensions and allowances, being 406*l.* less than the sum voted last year, namely, 15,142*l.*, and 181*l.* for Exchequer fees. The deductions for savings, condemned stores, rents of canteens, &c. was 22,000*l.* being a credit of 4,000*l.* more than that of last year, which was only 18,000*l.* The result of the whole of the Barrack estimates for Great Britain was, as he had already stated, the proposed vote for 114,531*l.* The vote which it was intended to propose for the barracks in Ireland was 134,376*l.*; being an apparent increase of 23,258*l.* upon the charge of last year, namely, 111,118*l.* If, however, they deducted the 5,000*l.* of expense which resulted from the transfer of the ordnance barracks to this department, it would appear, that the real excess was little more than 18,000*l.* The cause of this increased expense had been the extensive repairs which the barracks in Ireland had undergone. During the last summer a commission of inspection, composed of engineer officers of great skill and experience, had visited the various barrack stations in that country; and it was in consequence of their report, that the repairs to which he had alluded had been undertaken. A considerable reduction had, however, been made in the number of barracks in Ireland since the war. During the war, there were barracks for 80,000 men in Ireland. Now, there were barracks only for 36,000 men; to which, however, were to be added 3,000 in small houses. The total charge of the barrack department for Great Britain and Ireland, for the present year, was 248,907*l.*; that for the last year was 211,118*l.*; being an increase of 37,789*l.*; for which, however, he trusted he had satisfactorily accounted.

He now came to the last head of charge; the Commissariat of stores. The sum which it was proposed to vote for the Commissariat of stores was 182,795*l.*; being 90,717*l.* more than the sum voted last year, namely, 92,078*l.* This increase arose from various causes, which he trusted the committee would sanction with their approbation. One of these additional items was the sum of 24,000*l.* for the expense of 12,000 single iron bedsteads, including new bedding, and the alteration of bedding in store from double to single. At present, and during the war, the soldiers in barracks both in England and in Ireland, were in double births. To continue such a system during peace, however, was not thought desirable; and it was for the purpose of affording to every soldier decent accommodation, that these single iron bedsteads had been procured. These bedsteads were placed on stages, composed of boards; so that five soldiers slept one above another. The next item by which the increase had been produced in the Commissariat of stores, was above 40,000*l*. for stores, not used for military purposes. They were principally for the convicts in New South Wales, for Sierra Leone, and for other colonial purposes; and the issue of them was sanctioned by the Treasury. These two items of beds and stores sufficiently accounted for a large portion of the excess of expense in the Commissariat of stores branch of the Ordnance. Having thus gone through the various divisions of the estimates, he would not trespass longer upon the patience of the committee, but would conclude by moving his first resolution, viz.—"That the sum of 47,233*l*. be granted to his majesty, for defraying the salaries to the master-general, and the principal officers, and the salaries, and increased salaries for length of service, to clerks, and attendants belonging to the office of Ordnance, and employed at the Tower and Pall Mall, for the year 1824."

Mr. *Hume* observed, that he must do the hon. and gallant officer the justice to say, that in many respects the Ordnance estimates of the present year were much superior, in point of arrangement, to any that had heretofore been prepared. Whatever difference of opinion there might be with respect to the amount of those estimates, whoever looked at them would immediately find himself capable of comprehending all the items and charges without the slightest difficulty. In that respect certainly great progress had been made in improvement, and so far much good had been secured to the public. He thought, however, he could very clearly prove to the committee, that the reduction which had taken place in the expenses of the Ordnance, was by no means so great as they had a right to expect. The committee of Finance, in the year 1817, had given what might be considered an approximation to what they considered was the reduction to be justly expected at certain periods, in every department of the public service. He held in his hand an abstract of the respective amount of the Ordnance estimates voted since the year 1817; and the committee would, perhaps, be surprised to learn, that the grant in 1819 (exclusive of the unprovided services) amounted only to 1,191,905*l*.; while the grant for the present year (with the same exclusion) was 1,118,684*l*. From the hon. and gallant officer's statement, the committee would naturally have been induced to believe that a much larger reduction had been effected. With regard to the old stores, &c., he had always contended, that they ought not to be brought to this account. Why not follow, with regard to the Ordnance, the same course as that which was pursued with respect to the navy? The introduction of these old stores perplexed those who wished to make an accurate comparison of the different expense of the Ordnance in different years. In 1821, the amount of the ordinary and extraordinary expenses of the Ordnance was 1,326,999*l*.; but, 232,000*l*. being deducted for old stores, the actual vote was only 1,094,999*l*. In the following year the amount of the ordinary and extraordinary expenses of the Ordnance was 1,244,000*l*.; but as only 44,000*l*. was deducted for old stores, the actual vote was 1,200,000*l*.; being considerably more than that of the preceding year; although the real expenditure was considerably less. This showed the artificial inequality which this article of old stores produced, and which embarrassed any one who wished to make a fair comparison between the actual expenditure of different years. The estimate of 1819 (including the unprovided services) was 1,212,000*l*.; that of the present year (including the same) was 1,119,774*l*.; so that it appeared the Ordnance estimates of the present year were only 92,026*l*. less than the Ordnance estimates of the year 1819. He freely confesssed, that if we were to keep up our present preposterous military establishment, the Ordnance ought to be in a fair proportion to it; but, looking at the charge for the Ordnance in comparison with the charge for former years, it was greatly too much. The committee would be very much surprised to find, that the proposed grant for the Ordnance estimates of the present year was three times as great as that of his golden era, the year 1792. Now, were the circumstances of the country such as to warrant this profusion? He would read to the committee a comparative statement of the Ordnance estimates laid before parliament in various different years. In 1792, they amounted to 444,001*l*.; in 1817, to 1,284,035*l*.; in 1819, to 1,212,000*l*.; in 1821, to 1,326,999*l*. in 1822, to 1,244,000*l*.; in 1823, to 1,217,920*l*.; and now, in the present year, to 1,119,774*l*.; being only about 92,000*l*. less than last year. He begged to ask whether, after the report of the military commission, the House was not warranted in calling upon ministers to attend to its suggestions, and to reduce the charge of the civil establishment, for which no less a sum than 47,233*l.* was now to be voted. On former occasions, he had called upon the committee to refuse more than was thought necessary in 1796; but no measures had been yet taken to accomplish that object, by uniting the two establishments in Pall-mall and at the Tower, whereby alone a saving of between 17,000*l.* and 18,000*l.* annually might be effected. On this point ministers had shewn more than a usual degree of pertinacity. It might be remembered, that last year he had proposed to abolish the office of Lieutenant-general of the Ordnance, and the secretary at war had taken occasion to declare, that the business of the department could not go on without him; that his personal assistance at the Tower was absolutely necessary, and a great deal more, in order to shew that he could scarcely be spared for a single day. Now what had been the fact since that declaration? That high officer, whose duties were so important that his personal presence could not be dispensed with scarcely for a single day, had actually been absent not merely from London, but from England, during a large portion of the past year; he had taken up his residence in Portugal, and there he continued until the present moment. He (Mr. H.) had indeed understood, within a week or ten days, that a new lieutenant-general had been appointed. Whether such were or were not the fact, he did not know; but, if lord Beresford had recently resigned, the present seemed the most proper occasion that could be afforded, for considering the fitness of abolishing the place he had held. It was not to be disputed that he had been for several months together in Portugal; and he wished to be informed whether, during his absence, the business of his department had stood still; or whether it had proceeded in the usual way, just as if he had been upon the spot to lend his most important assistance? If the latter were true, it would only shew that he had been perfectly correct in saying, last year, that the office of lieutenant-general might be abolished, without the slightest injury to the public service. Experience, therefore, had shewn that he was right, and he called upon the committee to support him in the amendment he was now about to propose, being equally satisfied that it would turn out, in the end, to be well warranted. The military commissioners recommended, that the two establishments of Pall-mall and the Tower should be incorporated; but even separate as they were, what did the House think they had cost the country in 1796, the fourth year of war? The finance committee had reported the sum to be 15,500*l.*; but to prevent mistakes he had moved for the official return, by which it appeared, that, with some extra clerks, the charge for the Ordnance department, in 1796, was precisely 18,700*l.* What was the charge now, after a long established peace? 47,000*l.* The disproportion was enormous. If the country were ten times as rich as it was, and the national debt only one fourth its present amount, such an augmentation cou'd not be justified. Did it appear that any thing was neglected in 1796? On the contrary, the whole department was conducted with as much regularity as at the present moment. It was remarkable, that the present was the first occasion on which it had been said by ministers, that the estimates were reduced to the lowest possible amount; and it therefore became the committee, since the charge was now to be permanent, to take the utmost care that it did not exceed the proper bounds. He was willing to allow 36,000*l.*—twice the sum voted in 1796. All beyond was unreasonable and needless. If the committee would consent to an amendment to this effect, he would venture to predict, that the whole establishment would be re-modelled in less than a week; and until something of this sort were done, which would trench upon head quarters, no change for the public benefit could be expected. He freely admitted, that he did not considerthe clerk of the Ordnance overpaid; but the office of principal store-keeper was wholly useless, and had been so reported by the commissioners. There always existed a strong desire to raise charges, but never a disposition to reduce them; as an instance of this he might refer to the price of admission to see the armoury in the Tower. The fee which, in 1806 was only 1*s.* was raised suddenly by colonel M'Mahon to 2*s.* for the entrance of each person; so it had continued, and nearly 1,800*l.* annually were paid to the principal store-keeper from this source. The whole sum received yearly on this account might be calculated at 4,000*l.*, and 14*s.* out of every pound belonged to the principal store-keeper; the remaining 6*s.* were divided among the inferior attendants. The hon. gentleman concluded by moving by way of amendment, "That instead of the sum of 47,000*l.* only 37,000*l.* be granted," which would allow for the expenses of the civil establishment of the Ordnance more than double the amount voted in 1796.

Sir *H. Hardinge* thought, that the reduction in the number of the clerks in Pall-mall, and at the Tower, had been quite as great as the quantity of public business would allow. In 1818, the number of clerks was 187, since which time no less than 26 had been removed, although the barrack and commissariat departments had both been transferred to the Ordnance. As to the objection made by the hon. member respecting the old stores, he begged to point out that this was the mode particularly recommended by the military finance committee, and had been adopted in consequence of that recommendation. With respect to the absence of the Lieutenant-general, he could assure the committee that, although the noble lord had been unavoidably absent on private business, the conduct of the Board of Ordnance had been perfectly justifiable. It was well known, that lord Beresford had been connected with the Portuguese Government, and had commanded the Portuguese army. For some time he was separated from it, and on his return from Rio Janeiro, he was not allowed to land at Lisbon. He came to England, and when a favourable opportunity offered, he applied to be allowed to return to Portugal. He went thither in the beginning of October, and about the end of November, the Master-general of the Ordnance wrote to lord Beresford, stating that it would be exceedingly desirable that he should return before the end of December, because the duties of the Lieutenant-general pressed very heavily upon the Master-general, and other members of the Board. Lord Beresford had written back, that he could not arrange his private affairs so soon, and therefore that he must resign. Upon him, therefore, there did not rest the slightest imputation. The duties of his office might be considered in a two-fold light: first it was the business of the Lieutenant-general to act in the absence of the Master-general; and secondly, he had to discharge his own functions as a Board Officer. The Master-general never having been absent, no inconvenience had arisen from the first; but, as to the second, the additional labour that had fallen upon the Master-general and others had been severely felt. His gallant friend behind him (sir Ulysses Burgh) and himself had been compelled, in consequence, to labour from eight to ten hours a-day. If he were asked, why the resignation of lord Beresford had not been accepted in December? he should reply, that the noble lord had shewn himself so useful and efficient in his office, that the Master-general was most reluctant to part with his services. Finding, however, very recently, by a letter from Lisbon, that lord Beresford could fix no early period for his return, his resignation was accepted, and sir George Murray had last week been submitted to his Majesty as a fit person to discharge the duties of Lieutenant-general of the Ordnance. That appointment had since received the approbation of his Majesty. It would be presumptuous in him to advert to the distinguished merits of that officer. He could, however, most conscientiously declare, that if the Lieutenant-general were not an officer of ability and experience, the inferiors of the department would be obliged to refer to the Master-general. As to the union of the two establishments at Pall-mall and the Tower, at neither place could the clerks and officers of both be accommodated. The heavier stores, as had been suggested, had been removed from the Tower to Woolwich, but the others still remained at the Tower. On the subject of economy in the Ordnance, it appeared, by the admission of the hon. member for Montrose himself, that since 1819, there had been a saving of 90,000*l.* in the department. In the present year, the estimates were 90,000*l.* lower than those voted in the last session, so that there did not seem to be much room for complaint on the part of those who urged a further diminution of expenditure.

Mr. *Hume*, in reply, said, that he had expected to hear some reason assigned for the magnitude of the establishment of the Ordnance, being reduced as it was to what was termed by the gallant officer the lowest amount. No reply had been attempted to what he had advanced as to the propriety of further economy, it was no answer to say, that 90,000*l.* had been saved since 1819, when at the present moment the charge was nearly three times as heavy as it ought to be, and as it had been in 1796. What he wished to hear was, how many clerks and officers performed the business of the Ordnance in 1796 or 1798, and, if more were wanted in 1824, what additional business had been thrown upon the establishment to render the increased number necessary? The gallant officer had stated that the Barrack and Commissariat Departments had been joined to that of the Ordnance, and this was unquestionably true; but it was not less true that 2,514*l.* for the first, and 3,590*l.* for the last, had been allowed yearly to pay for persons to discharge the new duties. What the gallant officer had said was, therefore, in truth no answer to his objection. As to the private conduct of lord Beresford, he had never alluded to it; he had no reason to allude to it; his public conduct only was here in question. He had only said, that, if the noble lord could be absent from the duties of his most important office for five months in succession, it fully justified the resolution proposed last year, declaring that the office was a needless expense to the public, as, whatever was to be done could be performed by the Master-general, or by other members of the Board. The fact had turned out to be so; for the Master-general, and his coadjutors had fulfilled all the arduous and important duties of the Lieutenant-general and their own into the bargain.

The committee then divided—For the Amendment, 19—For the Original Resolution, 89—Majority 70.

List of the Minority.

Allan, J. H.
Althorp, viscount
Benyon, B.
Davies, T.
Grenfell, P.
Haldimand, W.
Heron, sir R.
Hobhouse, J. C.
James, W.
Leycester, R.
Maberly, W. L.
Martin, J.
Monck, J. B.
Newport, sir J.
Rickford, W.
Smith, J.
Sykes, D.
Tierney, right hon. G.
Wood, M.

TELLER.

Hume, Joseph

On the resolution, "That 35,841*l.* be granted for the salaries to the several civil establishments of the office of Ordnance at the Home and Foreign Stations,"

Mr. *Hume* called the attention of the committee to the sums included in this last resolution, for officers of the Ordnance in the Islands of Zante and Corfu. This country ought not to be called upon to make good this sum; inasmuch as by a specific treaty, the revenues of the islands were responsible for that purpose. Those revenues were amply sufficient, and ought to be so applied.

On the resolution, "That 247,208*l.* be granted, for defraying the expenses of the Royal Regiment of Artillery for Great Britain,"

Mr. *Hume* begged to repeat briefly the objections he had formerly urged to the vote for so large a sum of money for such a purpose. He thought the numbers of the corps of artillery a great deal too large. It was happily never wanted at home, was never likely to be wanted, and was not sent abroad; so that, in fact, in time of peace, it was wholly useless, and a needless expense to the country. There were 5,691 artillery, besides supernumeraries, making in the whole a force of 7,256 men. This establishment was, at the present moment, considerably more than double what it had been at the beginning of the last French war. The artillery could not be of the slightest use without a large regular army; and if three or four battalions were reduced, there would still remain a larger proportion than was at all necessary for the present amount of the army of the empire. He did not complain of the artillery, which was a most efficient body; but there might be too much of a good thing, and a very considerable reduction might be effected, to bring it to the proportion of the rest of our military establishment.

Sir *H. Hardinge* defended the propriety of keeping a large body of artillery on foot. It was a corps of all others the most difficult to raise. If a war broke out, it could not be created in a moment; and therefore it was necessary to have a considerable force of that description in readiness.

Mr. *Hume* said, he founded his objection on the statement of ministers, who had declared that there was no chance of war. They denied that a war was at all likely to occur; and therefore there was no necessity for such a force.

On the resolution, "That 29,590*l.* be granted, for defraying the expense of the Brigade of Royal Horse Artillery, and also a Rocket and a Riding House troop,"

Mr. *Hume* wished to ask for some explanation as to the circumstances under which sir Benjamin Bloomfield had been brought back to the artillery corps, and had been taken from half-pay to the command of a battalion. This step he understood had created considerable dissatisfaction. Sir Benjamin had long retired from active service in the corps, and was now serving as an ambassador abroad, and was put over the head of other officers of much greater service in the corps. He wished to know how this had happened, and whether sir Benjamin had a right to this promotion under the regulation of the service.

Sir *H. Hardinge* said, that by the regulation of 1814, it was arranged, that the officers of the horse-artillery should succeed to the brigade, not according to their regimental rank in the corps, but with reference to their brevet rank in the army. In 1818, the Master-general thought it advisable to alter that arrangement. When the death of the commander of the brigade took place, sir B. Bloomfield was, from his rank in the army, the officer next entitled to the command; and as the Master-general felt, that the new regulation would have a retrospective effect with reference to him, he, from a sense of justice, declined enforcing it. It was, however, now settled, that officers should succeed to battalions, according to their rank in the corps, coupled with their general merits.

Mr. *Hume* said, he understood a new system had been lately adopted in the artillery. Individuals had been allowed to sell out, in order that others might receive promotion in that corps. He wished to know when that practice first took place; the promotions in consequence; and how far the public expense had been thereby increased.

Sir *H. Hardinge* said, the authority to allow artillery officers to sell their commissions was granted last year, for the purpose of assisting the deplorably low state of promotion in that corps, without increasing the public burthens. It was permitted, that a certain number of artillery officers, who had served twenty years, might sell to officers of the line, they being unattached officers on half-pay. Ten lieutenant-colonels, one major, and three captains of the artillery had sold their commissions, which were purchased by officers of the line. The saving by the decrease of half-pay was, 2,463*l.*, and the increase on the army list was, 2,564*l.*, leaving a balance of 101*l.* Fifty-five officers of the artillery, and 14 officers of the army, had been benefitted by the plan, at the expense of 101*l.*

Mr. *Hume* did not mean to blame the arrangement. He rather hoped, that the same benefit would be extended to another corps, in which the promotion was in the same deplorable condition—the marine corps. The statement of the number of years' service of several members of this corps would surprise the House; and besides the slowness of the promotion, they had been deprived of 25,000*l.* a-year of sinecures (the colonelcies); and which it would be only just to give to the meritorious officers of that corps, instead of giving them to officers of the navy, however deserving they might be.

Sir *G. Clerk* said, that on an application from some officers of the marine corps to the Admiralty, they had been informed, that a measure was in progress for their relief, of the same nature as that which had been applied to the artillery; and but for the indisposition of the noble lord at the head of the Admiralty, that measure would have been now in operation. The hon. member had alluded to certain honorary offices attached to the marine service, which were given to officers of the navy: but the hon. member should recollect that the naval officers who held these commissions gave up their half-pay, and it would be found that when that was taken into account, instead of 25,000*l.* a-year, the expense was not more than 3 or 4,000*l.*; a sum which was well bestowed, to keep up the constitutional link between the marines and the navy, which was deemed of so much importance.

Mr. *Hume* protested against this "constitutional link," and he had no doubt, out of 100 officers of the marines, there would not be one who did not consider this as a hardship.

Sir *I. Coffin* wished to remind the House, that four years ago, when the marines were increased to 8,000 men, the hon. member had opposed the increase, on the ground that it would "turn the navy into an army." He (sir I. Coffin) had said at that time, that the marines were a most valuable body of men, who had saved the fleet over and over again in mutinies. But for their steady loyalty, we should now have no navy.

Mr. *Hume* said, that whatever the gallant admiral might think, there was no inconsistency in his opposition to the increase of the corps, and his present remarks. The corps had been distinguished for its loyalty and services, and had had the title of "Royal" bestowed on it, on account of their conduct at the time of the mutiny: and yet they had received less reward and promotion than any other corps. He wished to see them well treated, but yet he did not want to see their numbers increased. There were now 9,000 marines; and how many were there afloat? Perhaps not 2,000. The rest, then, were an addition to the standing army. The treatment of them as to promotion was shameful. In seven years only eight or ten marine officers had been promoted; while, in the same time, there had been 7 or 800 promotions in the navy, and about the same number in the army.

Sir *I. Coffin* said, it was absolutely necessary to have a large body of marines; for in the event of a war, the seamen that could be kept together, were only in proportion to the number of marines. You could not put seamen on board without them; they would go in at one side, and out at the other. The hon. member knew nothing about them. How the devil should he (sir I. Coffin) dislike the marines? Had he not served with them forty years? They were most useful to the navy, and had saved the fleet over and over again.

On the resolution, "That 4,570*l.* be granted for defraying the expenses of the establishment of the civil officers, professors, and masters of the Royal Military Academy at Woolwich,"

Mr. *Hume* remarked, that there was in the cadets in this establishment, no such reduction as had been last year promised. It was quite absurd to educate a number of youths at a considerable expense, whom there was no possibility of providing with commissions.

Sir *H. Hardinge* said, that the reduction in the number of cadets was not inconsiderable. Last year, there had been 150. There were now 127, though there were 130 mentioned in the estimates. There were many young gentlemen, who had been educated at the academy, who were highly qualified, and for whom it was yet impossible to find commissions. There had been 108 vacancies in the artillery since the peace, which would have been sufficient to have supplied all the gentlemen who were qualified, with commissions; but so great a number of officers had been brought from half to full pay, that it was impossible to bestow commissions on the cadets. This arose from the system of reduction which parliament had determined to adopt. In no former peace, had any officers of the artillery or engineers been put upon half-pay.

Mr. *Hume* said, he by no means complained of the government, that they could not find commissions for these young men. They acted much better in giving them to the officers on half-pay, who were entitled to them. What he complained of was, that they should go to the expense of educating boys, to whom they only held out expectations which they could not realize.

On the resolution, "That 75,524*l.* be granted for defraying the extraordinaries of the Office of Ordnance, for the year 1824, after deducting 139,000*l.* on account of savings and unexpended sums of former grants, and also of presumed sales of old stores, lands, buildings, &c.,"

Mr. *Hume* wished to call the attention of the committee to the various charges for the fortifications, &c. of those islands and colonies, no part of the revenue of which was brought to the credit of the general revenue of the empire, but was all expended on governors, secretaries, and local officers. He thought a general inquiry should be instituted into the means of those colonies to bear a portion of the expenses which were now charged on the people of this country. The sums, taken separately, in these estimates, were not large; there was 1,374*l.* for Guernsey, 1,671*l.* for Jersey, and so on, but, taken altogether, they formed a considerable sum. As the Ordnance branch of the expenditure of these islands formed a very small part of the whole, he should not now press the subject; though he had no doubt that a committee of the House could find the means of relieving the country from the entire expense. For the establishment at Feversham a sum of 2,031*l.* 9*s.* 9*d.* was set down. He was convinced, that the works there were utterly useless, and could never be used as powder-mills again. As to the sum set down for the expenses of Canada, he wished to know what difficulty there was in Canada paying the expense of its own establishments? We took nothing from Canada in the shape of taxes, and yet we paid all the expense of its military establishments. This was perfectly unnecessary. If we gave Canada a free government, the people would be quite ready to relieve this country from the expense. As to the Ionian Islands, the charge on this country was most unjust. This country had nothing to do with the Ionian isles. The Greeks who lived there should defend them, and would be ready to do so. They now cost 25,000*l.*; he was quite satisfied they need not cost a single pound. However, he should not now propose any amendment. Considerable reductions had been made; and, next year, he hoped to get further considerable reductions.

Mr. *Hume* said, he observed a sum of 9,000*l.* for the trigonometrical survey. He wished to know how far this work was advanced, and how long it would be ere it was concluded?

Sir *H. Hardinge* said, a third of the survey of Great Britain had been printed; two-thirds were completed, the whole of the country had been triangulated, and the work would probably be complete in three years.

Sir *J. Newport* wished to know whether the long projected survey of Ireland was to take place on the trigonometrical plan. If they were to wait as long for this survey of Ireland, as they had done for the completion of the same survey in Great Britain, he should protest against the measure. Valuable as the survey of Ireland would be for the distribution of the grand jury assessment—in other words, for equalizing the taxation of Ireland—he thought the trigonometrical plan perfectly inapplicable. When completed it would be nearly a nullity and of little use, compared with a parochial survey and valuation.

Mr. *Goulburn* said, that, as a motion was soon to be brought forward on the subject of a survey of Ireland, it would not be necessary for him to enter into explanations, further than to say, that the government was satisfied of the necessity of the measure; that they had communicated with the Master-general of the ordnance on the subject, who had made arrangements for carrying through the survey with a rapidity far exceeding that with which the work had proceeded in England.

Sir *J. Newport* said, it was now nine years since he had brought down a recommendation from a committee for this survey. He was about to bring in a bill on the subject, when the government undertook to proceed with the measure; but not one step had yet been made.

Mr. *D. Gilbert* said, that the trigonometrical survey of Ireland, singly taken, would give a very insufficient idea of the value of the country. It would, however, be a considerable step. He thought the country might be triangulated in one year. The details would be afterwards filled in by degrees. The survey of Great Britain had been most creditable to the officers engaged in it, and had raised the country in the eyes of the scientific world.

Colonel *Trench* was glad to find the survey was to be undertaken in a scientific way; which would be much superior to the loose parochial surveys.

On the resolution, "That 312,572*l.* be granted for the charge of the office of Ordnance, on account of allowances to Superannuated, Retired, and Half-pay Officers, &c.,"

Mr. *Hume* objected to the unnecessary expense imposed upon the public for keeping up the powder-mills at Ballincollig, in Ireland. He wished to know whether it was the intention of ministers to persevere in their demands for that establishment from year to year? It appeared that the public paid 1,200*l.* a year rent for those mills, in addition to which it cost 950*l.* a year to pay the superintending officers. The whole was completely useless in a period of profound peace.

Sir *H. Hardinge* stated, that the superintending officer was a man of great talent and experience, who had obtained the appointment with an allowance of 600*l.* a year. This was the provision made by government for his services; so that the mills could not be given up without a breach of that agreement.

Sir *J. Newport* did not deny the talents of the officer alluded to, but he denied that such a consideration could justify the government in keeping up a set of mills at a large expense, which were found to be wholly unnecessary. The proper mode of rewarding his services would be by a pension, and not by an agreement of the kind alluded to.

Sir *H. Hardinge* said, it was not in the power of the Board of Ordnance to break the agreement with him, on the faith of which he received 600*l.* a year.

On the resolution, "That 1,400*l.* be granted, for defraying the expenses of sums to be paid at the Treasury, and at the Exchequer, for fees, on the amount of the Ordnance Estimates," Mr. *Hume* asked the hon. secretary for the Treasury, whether the country was ever to be released from the absurd practice of paying its own servants an extra salary for doing their own business? It was strange indeed, that the Treasury could not disburse the public money without exacting fees for it. Besides this vote of 1,400*l.* nearly 30,000*l.* had been voted away in the Army estimates for the payment of these same fees. He considered such payment to be a dead loss to the country, as well as the occasion of great complexity in the accounts of the various departments. He had understood the chancellor of the Exchequer to say, on a former occasion, that the whole subject of fees taken by the Treasury was now under consideration. Might he ask what was decided on, with regard to these particular fees?

Mr. *Herries* said, that the chancellor of the Exchequer had been obliged by indisposition to leave the House, and that the subject referred to was one of such difficulty that he was not himself exactly prepared to answer it. The hon. gentleman must recollect, that some of those fees, were established by patent, and that therefore the persons to whom they were payable had such a vested interest in them as prevented their immediate abolition. Others of them were paid on other grounds to which it was unnecessary for him to allude further than to say, that considerable delicacy ought to be used in meddling with them. With regard to the complexity of the public accounts, he could only say, that it was the earnest wish of the chancellor of the Exchequer to simplify them as much as possible.

Mr. *Hume*, in reply, observed that if the chancellor of the Exchequer would grant him a committee next month, he would go into the business of it with great pleasure. As to the patent fees, he had no hesitation in saying, that he should recommend them to be bought up.

Mr. *Herries* said, that the hon. member did not appear to be aware, that many of these fees were very beneficial to the public, and absolutely made up a fund out of which many contingent services in the Treasury were paid. The subject was of a complicated nature, and he therefore trusted that the hon. member would not be surprised that he did not give him any further answer in the absence of the chancellor of the Exchequer.

Mr. *Hume* said, that so long as these fees should continue to be taken, the House would never be able to learn the exact expenditure in each department of the public service.

On the resolution, "That 114,531*l.* be granted, for defraying the charge of the Ordnance barrack-department in Great Britain,"

Mr. *Hume* said, he could not allow such a sum to be voted without some observation. The House was not aware of the situation in which the country was placed, from its being studded all over with barracks as it was at present. In the year 1797, when we had as many troops as at the present moment, the whole expense for barracks only amounted to 29,000*l.* for Great Britain, and 12,000*l.* for Ireland. He thought it wrong that the extraordinary scale on which things had been carried during the extraordinary war in which we had recently been engaged, should be continued during a period of profound peace. The House was now called upon to vote a sum for these barracks which was much above the average sum voted in any year from 1817 to 1823. He had formerly contended, and he must still persist in contending, that if the government were determined to keep up its barracks in an untenanted condition, it ought to keep them up at the least possible expense, and that it ought not to pay fifteen or sixteen shillings a day to barrack-masters, when it could find half-pay officers willing and even joyful to perform the duties at 5*s.* a day. He was of opinion that the country ought to be relieved from the payment of half the sum voted for this purpose. He likewise objected to the payment of 65,000*l.* for the repair of barracks. What was there in the state of England which required such a sum to be expended on such an object at the present moment? He could see no reason for granting 7,000*l.* for erecting a riding-school at St. John's-wood, after the sums which had been expended on the riding-school at Pimlico. Unless he received a satisfactory explanation regarding the expense incurred for the repair of barracks, the payment of barrack-masters, and the riding-school at St. John's-wood, he should be obliged to offer to the House some amendment on the present grant.

Sir *H. Hardinge* said, that the barrack-masters were paid as low as they could be, consistently with the purpose of keeping them respectable; for no one who considered the importance of having persons of some station and character in these situations would object to ten, seven, and five shillings a day as being extravagant. With regard to the buildings, if they were to be kept up at all, they ought to be kept in repair; and he could assure the hon. gentleman, that the estimates had been taken at the lowest possible scale, and by persons in every way qualified to discharge their duty to the public. If, however, contrary to his opinion, any fraud had been committed, the Board of Ordnance would be much obliged to the hon. member if he would point out the case, and by so doing enable them to correct it. His objections to the amount were so general that it was impossible to answer them; but if he would particularise any case of excess, that item might be either explained or remedied. The establishment at St. John's Wood was considered necessary as a branch of useful military instruction, and the whole expense was 5,000*l.* for the Riding-school, and 2,000*l.* for the repairs of the barracks already built in the neighbourhood.

Colonel *Davies* thought, that the barrack-masters were immoderately paid, especially as, in many instances, they were attached to barracks where there was no troops. It would, he thought, be for the benefit of the country that such barracks should be deserted altogether, and allowed to go to ruin. The hon. baronet had challenged them to put their fingers upon items. The task was not easy, as they had not the details before them; but perhaps, if they were furnished with as minute particulars as it was in the power of government to afford them, many items of gross extravagance would appear. He was surprised to find the sum of 84,000*l.* demanded for barracks in Ireland, where the army were mostly quartered, and where, from the very nature of the service, it seemed necessary that they should be so. Whatever credit ministers might take to themselves for any reductions that had taken place, if the House did not continue to attend to these matters, abuses would rise up, and the old extravagance would soon return to all the departments.

Sir *H. Hardinge* observed, that the repairs of the Irish barracks were made under the inspection of a committee, and if government had taken care to send over gentlemen of great experience and honour, what better security could they have that the estimates were correct? It was impossible that the hon. gentleman could judge of their proceedings, however minute the items laid before him, unless he was on the spot to which such items referred. As to the employment of officers in the situation of barrack-masters, it should be recollected, that according to the regulation, they could not retain their half-pay on accepting such appointments.

Sir *J. Newport* said, he would appeal to any military officer, whether many of the barracks in Ireland were not improperly constructed. A great number of them had been built during the last fourteen years, and if they had been well built, could scarcely have required such incessant and expensive repairs.

Mr. *Goulburn* wished to remind the right hon. baronet, and those who had spoken on the same side, that they had no want of intelligence to complain of. It was only last session, or the session before, that a detailed statement was laid on the table of the House, containing all the particulars connected with every barrack in the kingdom. Besides, a reduction of the barracks had taken place in Ireland since the war: during the war, there was accommodation for 87,000 men; whereas now there was only accommodation for 36,000.

Mr. *Hobhouse* rose to make some remarks on a subject which was particularly interesting to his constituents, and on which he had before put a question to the secretary of war. Seeing an excess of expenditure, amounting this year to 14,000*l.* more than last year for the barrack department, he begged again to draw the attention of his majesty's ministers to the barracks in the King's Mews. He wished them to reconsider this question. The people of Westminster were much alive to it. He wished the government should take no measures to repair the Mews. He knew it was too late to discuss the constitutional question which this involved; and, indeed, the noble secretary at war had the other night given him a proper lesson about introducing a subject at an improper time. He felt, indeed, that it was wrong to discuss things out of their place, and that a good cause was often injured by being brought forward at a wrong time. A few years ago, nineteen or twenty votes might be obtained on the constitutional question of having barracks at all; but now scarcely one could be got [hear! and a laugh]. The country did not now mind these things, and thought that the principle which our ancestors had so strongly contended for, of not separating the soldier from the citizen, was of no manner of consequence. But, let them look at the consequences in point of expense. Since the year 1815, no less a sum than 1,299,000*l.* had been expended on barracks in England, and in Ireland no less a sum than 1,314,000*l.*, making, together, for the single article of barracks, upwards of 2,600,000*l.*; and this too, let the House remember, at a period, when not only the country was enjoying the most profound tranquillity, but when they were assured, repeatedly assured, that the peace of Europe rested on a basis not to be shaken. This enormous sum was expended for doing that which no Englishman who called himself a freeman, or who valued his freedom, ought ever to permit to be done. Compliant as this House of Commons was, they must sometimes ask themselves to what extent this system was to be carried? How long were the King's Mews to be continued as barracks? How long were soldiers to be kept in the heart, and about the suburbs of this metropolis? He recollected very well the circumstances under which the soldiers were placed there; but they might be wanted for other occurrences, and they might be used for other occasions. It was now plain to every man, that the troops were kept in the midst of the city to be ready to act against the people. This was the single, the only motive, for placing them there; and he defied the gentlemen opposite to deny it. If they did —if they put forth any other pretext—no man would believe them, for every one would see it was void of all foundation. The House might depend on it—although there was no spirit now alive in the people to question this matter—the time would come, when they would find it insupportable to have barracks scattered over the whole country. There was now no excuse for it. The country was in a state of tranquillity, and Europe was at peace. They had been lately told by ministers, that the people were orderly, grateful, obedient, and happy: every thing that a government could wish. Why, then, he would ask, was this system of planting a military force throughout the country continued? That force, it was true, had done the work of their employers; but here, as elsewhere, it might become fatal to them. But he would not now discuss this great constitutional question; he would confine himself to the question of converting the Mews into barracks. This was a great evil to the city of Westminster. Many of the citizens did not like to have soldiers in their vicinity. They were disturbed at night, and in the morning, by drums beating, and other things which, though deemed necessary to military discipline, were a great annoyance in civil life. This was a thing which ought not, for a moment, to be allowed, and a petition had been prepared against it by the inhabitants of Westminster. He had thought it better, however, not to present it, until the great constitutional question came before the House. He doubted if the government had a right to convert the Mews into barracks. There was a thoroughfare through them which had been so long a custom, that the Crown had no right to stop it. Property in that neighbourhood had been very much injured by this proceeding; and he knew several persons who had left their houses, because they were no longer profitable, and who had been obliged to seek a living in another neighbourhood. He should not at present go further into the matter; but he was bound to tell the House, before they voted 114,000*l.* for barracks, that the spot to which he had alluded was chosen in opposition to the best feelings of the people. There was an excess this year over the vote of last year of 14,000*l.* for the two countries, and for this excess he saw no reason whatever.

Sir *H. Hardinge* said, that the hon. member had made his whole speech under a mistake. It was true there was an estimate of 14,531*l.* more for barracks, but if the hon. member would turn to page 29, and look at the note, he would find that the Ordnance Barrack expenditure for Great Britain for 1824, had been transferred to this estimate, amounting to 16,500*l.*, so that there was not an excess, but a saving of 2,000*l.* When the hon. member talked of the military being kept in barracks, though he (sir H. H.) was as little disposed to discuss the constitutional question as the hon. member, and could not flatter himself with being able to do it so well, yet he begged to ask him, who it was that wished the soldiers to be separated from the people? who but the people themselves? Did they not, in Charles the First's reign, petition that soldiers should not be billetted on them? Did they not put it in the Bill of Rights? But, would the hon. member who was so jealous of the soldiers send them to learn patriotism, honour, and morality in the pot-houses of Westminster? Would the soldiers be made better freemen by being billetted on a parcel of tap-houses in the purlieus of Westminster, which were notorious haunts for all kinds of profligacy, beggary, and vice? If the barracks were thrown down, and the soldiers were billetted in these houses, many respectable men, many who now came into the army from the country, would be compelled to associate with the dregs of the metropolis. For the benefit of the country, as well as for the discipline of the army, he thought it not right to throw down the barracks.

Sir *R. Heron* said, that all the mischief arose, not from the soldiers being billeted on public-houses, but from so large a standing army being kept up in time of peace, and collected in such great numbers in and about London, to overawe its population.

Mr. *Hume* said, that an attempt had been made to fix a mistake on his hon. friend, without any good ground. The vote for this year was 136,351*l.*, while the vote for last year was 118,000*l.*; then it must be recollected, that 20,000*l.* must be deducted for old stores, &c. with which the House had nothing to do. For these old stores, rent of canteens, &c. the amount was 4,000*l.* more than last year; so that, in fact, the expense, instead of being less, as stated by the gallant officer, was considerably more even than it had been stated to be by his hon. friend. The amount this year for Great Britain alone, as stated at page 29, was 136,531*l.* making an aggregate for two years only of upwards of 250,000*l.* He should move to reduce this estimate. There was 7,000*l.* appropriated for a riding school at St. John's Wood, which was unnecessary, and he thought 7,000*l.* might be cut off from the barrack-masters. He was for taking off this 14,000*l.*, and would therefore move, that instead of 114,531*l.*, 100,531*l.* be substituted.

On this question the House divided; when there appeared, for the Amendment, 38; Against it, 95; Majority, 57.

List of the Minority.

Allan, J. H.
Althorp, viscount.
Baring, A.
Bernal, R.
Bright, H,
Denman, T.
Evans, W.
Guise, sir B. W.
Haldimand, W.
Heathcote, G. J.
Heron, sir R.
Hobhouse, J. C.
Honywood, W. P.
James, W.
Jervoise, G. P.
Johnstone, W.
Kemp, T.
Lockhart J. J.
Maberly, J.
Maberly, W. L.
Martin, J.
Monck, J. B.
Newman, R. W.
Newport, sir J.
Palmer, C. F.
Philips, G. H. jun.
Price, R.
Pym, F.
Portman, E. B.
Rickford, W.
Smith, J.
Smith, R.
Sykes, D.
Tierney, right hon. G.
Webbe, E.
Wood, Matthew
Wyvill, M.

TELLER.

Hume, J.

On the resolution, "That 182,795*l.* be granted for defraying the charge of the Commissariat Store Branch of the Office of Ordnance,"

Mr. Hume begged to have some explanation of a charge of 40,000*l.* on account of New South Wales, &c. So large a vote for any colony should be the subject of a separate item. Of course, this charge was not included in the specific estimate for New South Wales, and he wished to have some explanation what part of this 40,000*l.* was to be devoted to New South Wales, what to Sierra Leone, and what to presents to the Indian tribes.

Sir *H. Hardinge* said, he could not give a detailed answer to the hon. gentleman's question. As to the stores to which the vote related, it seemed most advisable and beneficial for the public service, that they should be furnished from the commissariat department.

Mr. *Maberly* objected altogether to that branch of this department, which consisted in store-houses in London. The great dépôt for the army should be Woolwich. The store-houses in London were a very unnecessary expense. There would be a great saving by sending all the stores to Woolwich. There they might all be embarked at once on board ship, and a large army might be fitted out in a short time. The London establishments were absolutely useless, and were kept up, he believed, only to create influence. A heavy expense must necessarily be incurred, if stores that were to be sent abroad, and had to be procured at different parts of England, were sent first to London. They had no business to come to London at all, but ought to be sent direct to the port where they were to be shipped. If economy were at all desirable, he was sure these store-houses should be done away. By getting rid of this branch of the commissariat, and the foreign-store houses, a great sum might be saved to the country.

Sir *H. Hardinge* thought the hon. member was not correctly informed. It frequently happened, that great coats were to be sent to one place, shoes to another, and hats to a third: and all such articles were necessarily sent to the place where the ship which was to take them on board was loading. Now, as this was in many cases the West or East India Docks, it would cost a great sum of money to employ lighters to bring these stores from Woolwich.

Mr. *Maberly* said, that the Tower stores had supplied all the small stores for the army during war, and were now sufficient for the purpose. He was sure that nine-tenths of the store-houses were at present unoccupied, and were kept up only for the sake of patronage. If the House really wished to abate expense, they would find ample opportunity of doing it by inquiring into the Commissariat, Store, and Ordnance departments.

The several resolutions were agreed to.

USURY LAWS REPEAL BILL.] On the order of the day, for going into a commitee on this bill.

Sir *R. Heron* put it to the learned Serjeant, whether he would bring forward his motion at that late hour, when the House was exhausted, when many members had been present nine hours, attending to the business of the House, and who wished to take part in the discussion. He trusted the learned Serjeant would not press the measure.

Mr. Serjeant *Onslow* said, that if the hon. baronet had been in his place on Friday last, he could not have made this request. It was then expressly agreed, that the subject should come on this night. He should certainly not accede to the hon. baronet's request.

The question being put, "That the order of the day be now read," the House divided: Ayes 85. Noes 31. On the question being put," that the Speaker do now leave the chair,"

Mr. *Robertson* rose to oppose the motion. He began by stating, that under the Roman republic, the rate of the interest of money declined as the wealth of the country increased, down to the time of Justinian, in whose code laws against usury were established, limiting different rates of interest to the different classes of the community. In the flourishing state of the Italian republics, during the middle ages, the usury laws established a fixed rate of interest according to the rate of commercial profit, and under these regulations the Italian republics formed one of the most flourishing commercial communities in Europe. When these republics were overturned, the sovereign princes who obtained possession of them abandoned these wise regulations, and leagued themselves with the monied men of the country to oppress their subjects by usurious contracts. To that circumstance, he contended, the downfal of those states was chiefly to be attributed. It was true, indeed, that the church issued edicts, prohibiting usurious interest; but the clergy of Rome were themselves the most grinding and rapacious of usurers. He had heard it stated, from high mercantile authority in that House, that there were no usury laws in France, or in Holland, or in Hamburgh. This was certainly not the case. The laws of the German empire fixed the rate of interest at 6 per cent, and those laws were strictly enforced at this moment at Hamburgh, where no man could lend money upon landed, or other security, at a higher rate of interest. Mercantile men were generally misled on this subject, because bills were allowed to be discounted at any rate at Hamburgh. This was an exception to the general law, made in favour of mercantile transactions, to which he had no objection. In Holland, before the introduction of the Code Napoleon, which did not enforce the usury laws, it was difficult to ascertain the precise state of the law with regard to this subject; because, under the republic, each of the seven United States enacted its own laws. In the sixteenth century, although Charles 5th had enacted a law, that no person should take more than 12 per cent interest, the evil arising from usurious transactions was so great, that the States General passed several laws on the subject, the preambles of which set forth the deplorable state of the country arising from the system of usury then in force. With respect to France, it was true that mercantile men evaded the laws there as well as in this country, but this did not disprove the beneficial operation of legislative restrictions. Mr. Preston, who had given most valuable information on this subject before the Committee, although upon the whole, the Report was most defective, had pointed out a mode of evading the law, by borrowing a sum of 10,000*l.*, and agreeing not to draw more than 5,000*l.* from the lender's banker. In this transaction, money was in effect borrowed at ten per cent, and the law was completely evaded. The usury laws were evaded in a similar manner at Hamburgh, by Jews and other persons, but this was no argument against their utility, in affording protection to the community at large.—Having stated thus much, by way of historical detail, he begged leave to call the serious attention of the House to the consequences which would result from an alteration of the Usury laws in our own country. These laws were first enacted at the time of the Reformation, in the reign of Henry 8th; but they were not carried into effect until the reign of queen Elizabeth. Now, what was the state of this country before the enactment of the usury laws? We had not a ship of our own; we purchased ships from the Hanse Towns, which had usury laws. Since the usury laws had been in force, we had gone on in every succeeding age, flourishing in wealth, industry, comfort, and every blessing which a nation could possess. It was true, indeed, that Edward 6th abandoned the laws which had been enacted by his father; but the consequences of their repeal were found to be so pernicious, that Elizabeth, his enlightened successor, re-enacted them. He begged leave to call the attention of the House to those countries where there were no usury laws in operation. The most pernicious consequences flowed from this source at Rome, until usury was restrained by the Sempronian law. The virtuous Brutus borrowed money at the rate of 48 per cent in the province of Cilicia; hence arose his quarrel with his friend Cicero, who would not give his sanction to the usurious contract. He begged to correct himself with the House; the virtuous Brutus did not allow his own name to stand in the foreground, but employed an unprincipled agent, named Sanctius, for that purpose. Europe furnished no instance, at present, of states, from which examples could be deduced, of the ruin which resulted from the absence of usury laws, and he was, therefore, compelled to resort to distant times, in order to satisfy the House of the danger of a repeal of the existing laws, and to prevent them from being hurried into so ruinous a measure. These laws were repealed, indeed, by the National Assembly, and the most mischievous consequences ensued, until the Code Napoleon was established, in 1807. The people of India, who had no usury laws to protect them, suffered miseries from this source, which he would not pretend to paint to the House, and which, in fact, it was beyond the power of language to describe. Money was not lent out at interest by the year in India, but by the month, the week, and the day, and the wretchedness which this system produced was beyond all conception. Another country, whose whole government was a system of policy founded on the deepest knowledge of human nature, he meant China, while it allowed a rate of interest which in effect amounted to a repeal of the usury laws, adopted a very salutary regulation, which restrained the injurious effects which might otherwise arise from such a system. The Chinese allowed a rate of interest at 2½ per cent per lunar month, or 33 per cent per annum; the consequence of which was, that property was thrown into the hands of a few wealthy monopolists; but then, if the borrower was unable to pay, they did not allow the lender to imprison him, but he might insist upon the punishment of the debtor, provided he, the creditor, submitted to double that punishment. If the House abandoned the usury laws, some such measure as that adopted by the Chinese ought to be resorted to in this country, in order to protect the unhappy borrower from the extortion and cruelty of the usurer; for usurers had in all times been cruel, and it was the nature of avarice to be callous and merciless.—The evil arising from usurious contracts in annuity bonds had been alleged as a ground for the repeal of the existing laws. Mr. Preston, however, had stated, in his evidence before the Committee, that while mortgages on land amounted to many millions annually, the amount of money lent on annuities for lives, did not amount to more than one million a year. There was one year, indeed, in which Mr. Preston remembered five millions to have been lent on annuities; but this was a solitary instance: This argument, therefore, afforded no ground for the repeal of the usury laws. It was said, that the interest of money was now below the legal rate of interest. This was true with respect to considerable capitalists but it was not true with respect to the lower and middling classes of people, and these classes would be the great sufferers by a repeal of the usury laws. He was convinced in his own mind, that the people of this country did not believe that the

House would listen to a proposition for their repeal, and that if they had supposed it would have been entertained for a moment, the table of the House would have groaned with petitions against it. He begged leave to call the attention of the House to evidence which was much better than his own; he alluded to that of Mr. Rothschild, a man whose knowledge of this subject was as sound and practical as the goodness of his heart was exemplary, and whose opinion could not fail to have great weight. If there was one man in the kingdom who was more likely than another to derive pecuniary advantage from the repeal of the usury laws, it was Mr. Rothschild. Yet, what was the opinion which he had delivered before the Committee? He had declared, that he thought the operation of the usury laws, as bearing on the value of money in England, of great importance to tradesmen. Small tradesmen and manufacturers in this country possessed many advantages which were unknown on the continent, by drawing bills at a short date on their friends and connexions, which were negociable at the legal rate of five per cent interest. "If the usury laws were repealed" continued Mr. Rothschild, "it was impossible to say what might be the consequences to this class of tradesmen; the probability was, that they would be under the necessityof resorting to some lender, who would not accommodate them at less than two or three times the legal rate of interest. Should the House unhappily be induced to repeal those laws, evils incalculable must be the effect, even before parliament would have the power of re-establishing the antient system. Let the House recollect the reputation and the efficiency which had characterised this country, under all the difficulties with which it had had to contend. He would therefore implore them not to abandon such solid ground for a system, which, wherever it was introduced, debased the character of the nation, and sacrificed the interests of the many to the few. He should therefore move as an Amendment, "That the Bill be committed on this day six months."

Captain *Maberly* observed, that in rising immediately after the hon. member who spoke last, it was not his intention to follow him throughout the very remote and barbarian retrospect which he had taken. In legislating under the present state of public improvement, he should restrict himself to the consideration,—were these laws which the bill went to repeal just and, politic? and, if they were just and politic were they efficacious? He would ask the hon. member, or indeed any supporter of the usury laws, this plain question—could the government know the interest of the parties in any contract aswell as the parties themselves? If it was true, as the hon. member had assumed, that the borrower was always at the mercy of the lender, and that such mercy was denied unless the law interposed, how was it that the interest of money at that moment was below the legal rate? But, said the hon. gentleman, a very great injury would be inflicted by the repeal of these laws. Now, if such would be the result, it must be evident that the passing of those laws had imparted to that interest a very great benefit; then, why should any distinct class in the country derive a partial benefit from any law at the expense of other classes? What would those who hold a contrary opinion say, if there was a law introduced which expressly provided against the raising of rents? That House had entertained even such a proposition for, in 1797, Mr. Mainwaring had submitted a measure to prevent regrating and forestalling in the buying of cattle; in other words, to prevent the rise of prices in the sale of cattle; and Mr. Alderman Combe had supported the measure on the principle, that when a maximum was put upon money, why not also put it upon other species of property? But, allowing all that was said in favour of the principle of these laws, how could their continuance be considered useful, if they were proved not to be efficient? And, that that was the case the House had the fullest evidence. The fact was to be traced in the practice of borrowing money in continuation and in those ruinous annuities which had had such a fatal extension. With respect to the constitution of the Committee, and the evidence adduced before it, he must say, that he never met a more conclusive mass of information than was to be found in their Report. Agreeing with them, he should give his decided support to the original motion.

Mr. Alderman *Heygate* observed, that although indisposed, he was most anxious to offer a few observations on the present question. It was said by the advocates for the repeal of the usury laws, as stated in the report of the committee, that at that time the alteration would produce no great effect. That was stated on the 30th of June, 1818; and its fallacy was established by the fact, that if the repeal of the ancient law had been then effected, within two months after that period the most prejudicial and fatal effects would have followed. And these effects would have ensued, not from any political occurrences, not from war, but from certain alterations in the currency of the country. He knew well the great stress that was laid upon the authority of the witnesses—men who recommended this change. With every disposition to give them due estimation, he would still request the House to recollect that they were composed of great lawyers and great capitalists. Now, though disposed to attend to their opinions with every deference on many subjects, on the usury laws they were not the very authorities which he should select to guide his judgment. And, as to committees of that House, he must also be allowed to say, that even their reports should be viewed with great circumspection. He spoke under correction; but, what was the general impression in appointing them? The courtesy of the House gave a committee generally on subjects not political, to any honourable member. As was natural, the mover placed upon that committee those individuals whom he considered favourable to his own view of the subject, with a few other persons interspersed to give a colourable impartiality to the appointment. And, as to the evidence generally produced, he, long before he had the honour of a seat in that House, had reason to know the principle on which testimony was sought. He had been asked to give evidence before parliamentary committees. In answer he had stated, "My opinion is quite different from yours on that subject." "Oh then," said the individual who wished in the first instance for his testimony, "for God's sake, my dear friend, stay away" [hear, hear!]. One passing observation he begged leave to make on the witnesses produced before the committee, whose report recommended the repeal of these laws. Twenty-one witnesses had been examined, eight of whom were the greatest capitalists in the country; with a number of attorneys, whose engagements were chiefly in annuity practice [no, no!], and bill-brokers of immense wealth. He knew the parties well; and without making any unjust and undeserved reflection, these he knew were the individuals who gave the constituent parts of that evidence. But at least one fact was to be found established in their report, and it was this—that usury laws were in force in France, in Holland, and in Prussia; and what will the philosophers say, when it is recollected, that it was and is recognized by the Code Napoleon itself? If we compared England with those nations where no such law existed, it would be found, that while they had become degenerate and debased, this country had maintained her prosperity, her reputation, and her strength.—Then, it had been asked, in what consists the use of laws whose provisions can be evaded? The answer to such an objection was, that there never was a law or laws which human ingenuity could not evade; and, therefore in estimating the force of such an objection, we were bound to compare the cases of evasion with the mass of instances in which these laws were complied with [hear, hear!]. That, in a variety of instances in this metropolis, these laws were often evaded, but in the great mass of business in the country they were obeyed and respected. In what a difficult situation would trustees be placed under such a system; at present trustees had the security, under the protection of the law, of getting 5 per cent for trust-money. But change that system, and you leave no defined course for a person thus situated to pursue. Whatever course he should adopt, he will be subject to the imputation, either from the minor, when arrived at maturity, or the old lady, that other persons had seven, eight, or nine per cent for their money, and why had not they? It was to be recollected, that there was no market in this country for money as for corn and other commodities. The greatest confusion must be the result. Next, with respect to mortgages. Suppose a scarcity of money in a period of war, in what way, under the repealed system, would their interest be affected? After having at a vast expense for stamps, &c. submitted the title deeds, they would be placed at the mercy of the lender, and obliged to make an arrangement at 9 or 10 per cent. But then it was said that in theory the proposed repeal was well founded. He would not argue that proposition generally. There were, however, many things, which, though untenable in theory, were found to be most salutary in practice. Who that looked at the constitution of that House could, upon theory, defend it?—for instance two members for Old Sarum, and only two for Yorkshire,—but yet the thing worked well. He should say the same of the usury laws. Experience had proved them to be salutary. But he would ask on what grounds money was to be exempted from regulation by the State more than any other property? There was no abstract right either to hold or to deal in money. It was an artificial system, and was subjected to the regulations of the State. Besides it was untaxed; it did not, as dry money, contribute as land did to the establishment of the church, the poor rate, &c. It was also to be recollected that under the operation of these laws the government was enabled to borrow money on better terms, and the war was conducted at a lesser expense [hear, hear, hear!]. He knew that he had great authorities opposed to the view he took of the question, but he had the gratification to feel that he was supported by the concurrence of Adam Smith. He might also ask how it was if such a measure was considered beneficial, that not a single petition was forwarded in favour of the proposed change. One remark more, and he should finish—the measure would give, he feared, encouragement to those projectors from every part of the country who cared not in the furtherance of their views at what rate they obtained money to go on. Indeed, he had never heard of any one of that class, who, no matter whether the rate of interest was 10 or 20 per cent, did not consider the accommodation beneficial. Besides, the question was not, how the measure would affect the great monied men, but the small dealer who wanted accommodation. If a farmer went to a country bank for money, what was to prevent the banker from charging him any interest he pleased? The man, perhaps, was known but at that one bank; perhaps there was no other within a considerable distance. Again, with reference to the arrangements of government, could any man doubt that if the usury laws had been repealed twenty years back, the national debt would have been many millions greater than it was? we were now in a situation in which the repeal of the laws would perhaps do no great harm; but we should not count upon remaining in that situation for ever. As to authorities, they were not all on one side. There was a writer of the name of Adam Smith, whose talents were once as much renowned as any of those who had since written in favour of unrestricted usury. There was, however, one evil which he admitted in the existing law; it imposed its penalties with great inequality. The fine was treble the amount of the loan, so that the fine for taking 20*l.* too much upon a loan of 1,000*l.* would be 3,000*l.*, while the fine for taking 50*l.* too much interest on 100,000*l.* would be 300,000*l.* This enormous inequality was highly objectionable, oppressive, and absurd. He pledged himself, should this bill fail, and no other member took up the subject to bring in a bill for the more equitable adjustment of the penalties of usury. He might be asked, why he did not support this bill, which would save all further trouble on the subject. There was; however, a great difference, in his apprehension, between doing away with laws which were essentially wise and well-founded, and doing away with absurd and oppressive penalties imposed under those laws.

Mr. *Wynn* said, that the hon. alderman who had just sat down had, in the course of his speech, stated, that nothing was so fluctuating as the value of money; now, it appeared to him, that this was a strange beginning to a speech, the object of which was, to continue laws to fix the rate of interest. He was as indisposed as any man to make alterations in the existing laws on account of mere theory, but here there was a great practical evil. One of the justifications set up for these laws was their high antiquity. That, no doubt, was a respectable title; but, let it be remembered, that they had their origin in times, when our ancestors made it a practice to meddle and interfere in all transactions of buying and selling every article of provision. At that time it was not deemed beneath their notice to regulate the price of cloth, corn, and even poultry, and the one law he thought just as wise as the other. He was by no means a friend to innovation; but although he could not become a convert to the scheme of decimal calculation, still he thought it prudent to make those wise alterations which were consistent with the enlightened spirit of legislation, which characterized the present age. He would not adhere to an antient law merely because it was antient, unless he also found that it was wise; he could not, for instance, recognise the policy of continuing a law, which enacts that, if a man commit a crime, not himself alone, but his entire family should suffer a penalty. The one law was just as old as the other. He conceived that a man with money had as good a right to dispose of it in the most profitable manner, as any other commodity. The hon. alderman had complained, that the committee, from which this bill had originated, was composed almost entirely of great capitalists and great lawyers; but surely this could be no objection; for the great capitalists must naturally be well acquainted with the question, and to what better authority could they refer than eminent solicitors; for if a gentleman of large fortune wanted to raise a sum of money, his solicitor would be the first person to whom he would apply? He therefore thought that these two classes were the very best from whom the committee could get information. Now, one of the arguments most frequently urged against the repeal of the usury laws was, that it would encourage extravagance, and that young men would sink their estates before they arrived at years of discretion. But, he would ask, was there the least difficulty for any man who was extravagantly disposed to raise money to an amount infinitely beyond any thing he could ever have hopes to repay. If a man were disposed to pay excessive interest, he did not think the raising money, in the least degree, more difficult now, than it would be if the law were repealed. Could not cases be mentioned where individuals without any property beyond perhaps 20,000*l.* had been able to raise money to the amount of half a million, to carry on particular projects? The right hon. gentleman then recounted particular cases of the difficulty arising from the existing laws relating to mortgages and annuities, and mentioned one, in which a gentleman of real property, but who had occasion to raise money, and had not been able to obtain it by way of mortgage, was compelled to pay 10 per cent by way of annuity. The worthy alderman had appealed to the authority of Adam Smith, and seemed to place great reliance upon his opinion. Now, he would not deny the eminent talents of Dr. Adam Smith; but he must in candour confess, that his argument had been for ever overturned by Mr. Jeremy Bentham, in a work of as much ability as ever was displayed by the head and pen of man. It was, perhaps, the most perfect specimen of logical accuracy, in all its parts, that ever was written; and he had it from an authority so high, as to place it beyond all doubt, that even Adam Smith confessed himself mistaken. He was convinced that the time was come for the abolition of those absurd statutes which incumbered the books.

Mr. *Calcraft* said, he was perfectly sensible of the disadvantages under which the House discussed this question at so late an hour of the night; and he confessed he was somewhat surprised, that when, a few nights back, five of his majesty's ministers had voted on this important question, they had not thought fit to favour the House with their presence this evening. It appeared to him, that it would have been much more satisfactory to this House, as well as to the country at large, if, when they meant to support it, they would make it a cabinet measure; for he felt persuaded that no subject would be brought forward during the present session, that affected more extensively and deeply the interests of the community at large. He confessed that he expressed his opinion on this question with great apprehension, because he differed always with regret, from his hon. friend near him (Mr. Baring), whose extensive knowledge and great practical information, gave to his opinions such weight on these questions. But, when he looked to the evidence of history, his opinions acquired additional strength. He there found that for the last three hundred years the country had prospered under the system of Usury Laws, and he found that at each successive reduction of interest our prosperity had increased more and more, according as it had been regulated by statute. All the great writers on this subject recognised the value of each successive reduction from Henry the eighth downwards till the time of Anne, when the interest was settled at five per cent.—And now he would come to consider the consequence of the repeal of these laws, from which so much benefit had been expected by some gentlemen, but which he contended would be so detrimental. One of the very first effects of the repeal would be, to unsettle the minds of men, and shake all the securities of the country. All the lenders would immediately commence watching the variations of the money market, and the borrowers would be trembling for the bargains they had made, and would be in perpetual fear of the threats of the lenders. It was very true, as had been said, that engagements were made for a term of years; but was it probable that henceforward any capitalist would be so foolish as to lock up his money for a term of years? His right hon. friend who spoke last, had said, that, much as he was opposed to change, still he could consent to an alteration of the usury laws—and why? Because, he said, he had discovered a practical grievance, which would justify their repeal. And, what was the great practical grievance? The difficulty which the landed interest found in borrowing money. Now, it might be very true, that, in times of unparalleled difficulty, when government was borrowing money to a greater extent than ever they had done before, or ever would do again, that which was called a practical grievance, certainly did arise—the landed interest could not borrow money on mortgage. One instance had been stated by his right hon. friend, in which an individual was compelled to borrow at ten per cent. But, he would just ask this question—If you repeal those laws, are you sure that the landed interest, instead of borrowing on annuity at ten per cent, will not be compelled to borrow on mortgage at the same rate. Let the House recollect what was the evidence of the late Mr. Ricardo. He had said, that although government borrowed money nominally at 5 per cent, yet sometimes they paid 6 or 7, or even 9 per cent. Now, if government were compelled to borrow at 9 per cent, he should like to know what individual could borrow money on such advantageous terms? What gentlemen proposed to remedy by the repeal of these laws, was the exception, not the rule; namely, the case of those persons who, in times of difficulty, were driven to borrow at a disadvantageous rate. But, legislate as they might, the great proportion of annuity transactions would go on as at present, and they would destroy all the mortgage arrangements by this Utopian plan of remedying extreme cases. The error was this. They were endeavouring, by human legislation, to attain perfection. The thing was impossible; for they never could include in any one act of parliament all the cases which it might be desirable to provide for. And what do they do instead? They effected a measure, the consequence of which must be, to disturb all the mortgages and commercial transactions of the country. Was it probable that the great capitalists would embark their money in trade, when they could get such profitable interest? No; they would remain behind the curtain: they would not undertake the burthen of trade, but they would lend out their money to adventurers at a high rate of interest, who would, by their skill, be enabled to derive, and be content to receive, a small profit. But, surely this must materially endanger the security of all commercial transactions. If it were possible that any serious mischief could be prevented by the repeal of these laws, that would be a good reason for enforcing the measure; but, as the country had flourished under these laws, he conceived they belonged to that class which should be continued. If authorities were of any value upon this subject, he might quote the high opinion of Dr. Paley. The opinions of Adam Smith had been referred to, and he really was unable to say whether he had been confuted or confirmed by Jeremy Bentham; but he would just read the sentiments of Dr. Paley, which he considered of high importance. "The policy of these regulations is, to check the power of accumulating wealth without industry; to give encouragement to trade, by enabling adventurers in it to borrow money at a moderate price, and of late years, to enable the state to borrow the subjects' money itself." Now, it was possible the doctor might have been wrong; but he thought he was a substantial name to mention, when his hon. friend (Mr. J. Smith) said, he never knew a man, of sound understanding, who advocated the continuance of the system. He was one of the twenty-four stupid, and unthinking and prejudiced people, who opposed the measure, and he had had a very extensive correspondence on the subject, and could assure the House, that the question had excited great agitation in the country. Gentlemen were greatly mistaken if they supposed money was so plentiful in the country as it had been represented. It was supposed that plenty of discounts could be had at 2 and 3 and 4 per cent.; but, if a country gentleman were obliged to go to a country banker, he would be expected to pay 5 per cent, and he begged his right hon. friend, who had such a horror of innovation, to consider well before he gave so decided an opinion against the stupid, ignorant, prejudiced country gentlemen. However, certain it was, that they were all of opinion, that the measure would be detrimental.—He had said, that this measure would unsettle the minds of men; and as soon as the bill was passed, we should hear shouts of—"huzza!—success to usury." The character of the usurer, and the extortioner would no longer be disgraceful. It might be a vulgar prejudice, but he should lament to see our great capitalists become extortioners, or our eminent solicitors engaged in a traffic in which now they would be ashamed to embark; but then they would have the sanction and protection of the law. When this measure was passed, he should compliment his hon. and learned friend (Mr. Serjeant Onslow) on the glory he had acquired. His name would be handed down to posterity and would be immortalized, for having let loose all those salutary restrictions, which had been so wisely imposed upon the avaricious propensities of man. To him would belong the honour of having given free scope to the exercise of low, base, vile, grovelling, despicable avarice. That low simplicity, which lends out money at five per cent, would then be despised, and the man who would endeavour "to reduce the rate of usance" in London, would be scouted from all good society. If a man were to lend his money at five per cent, he would be accosted by his wealthy neighbour—"Why, you fool, don't you know serjeant Onslow's bill has passed. Pooh! five per cent indeed! you should get 6 or 7 per cent. at the very least. Why, you pay no attention to the enlightened measures of our parliament and administration. You may now take all the interest you can get, and mind—don't give the borrower time, and get from him all the interest you can, for 'the law allows it, and the state awards it.'" [hear, hear!]—The hon. member then proceeded to animadvert on the evidence received before the committee. He had been represented as a member of that committee. He found his name amongst the list; but he had no recollection of having attended its proceedings, although the learned serjeant had endeavoured to convince him, that he had cross-examined some of the witnesses. He could only say, that if that were the case, he was the only person on the committee who had done so, as would appear from the evidence. He considered the evidence of Mr. Preston, Mr. Rothschild, and Mr. Samuel Gurney, as of great importance. Mr. Gurney stated, that during the war he had never any difficulty in getting commercial bills to discount at five per cent. But, if another war were to take place, and these laws were repealed, he doubted very much whether Mr. Gurney would have that story to tell. Before the House passed a bill which affected the interests of the entire community, he thought it would be advisable to go more into detail, with a view to procure information, and that the House should institute a more solemn and extensive inquiry. He thought the measure of such importance, that government should make it their own and pass it, if it was to be passed at all, upon their own responsibility. He would put it to the right hon. gentleman opposite (Mr. Huskisson), whether that would not be the more proper course to pursue. The right hon. gentleman might say—"I am here as a member of parliament, and as such I support it." He wished he could say so; but he saw how material a difference it made in the division the other night, when the chancellor of the Exchequer spoke in favour of the measure. In fact, these gentlemen could not divest themselves of their official character. In France, Prussia, and Holland, they had had the proof of the benefit of these laws; but the learned serjeant, notwithstanding his well-regulated mind, seemed disposed to imitate the ominous French Convention of 1793; for they declared, that money was a merchandise, and ought to be bought and sold like any other commodity. But the consequence was, that the declaration produced the greatest confusion in that confused country. And, how long did the House think the project lasted? The law was passed on the 11th of April, and it was repealed on the 4th of May. And this was the measure which gentlemen wished to introduce into this great empire, notwithstanding the experience they have had of it in an adjoining country. At that late hour of the night, he should not trouble the House any longer, but he would again recommend, that before this measure passed, the learned serjeant should again send it to a committee, which would institute a full and general inquiry into the whole subject.

Mr. *Huskisson* said, he had been happy to hear the worthy alderman address the House with so much energy, notwithstanding his indisposition, although he could by no means agree with him in the view which he had taken of the subject. The hon. gentleman who spoke last had called upon him to state in what capacity he supported this measure, and had said that it should be brought forward as a government measure. But, it would be very strange if the government were to take it out of the hands of a gentleman who had had the management of the subject for years and who was peculiarly qualified, having been the chairman of the former committee. But, the hon. gentleman seemed to suppose, if it were not made a government measure, that all persons connected with government should be precluded from voting on it. Now, he sat there as a member of parliament, like the hon. gentleman himself, to discharge his duty to the country, to the best of his abilities, and he would be the last to describe any of those gentlemen who differred from him as dull, or stupid, or prejudiced. It was a subject on which men might very widely and very conscientiously differ, without deserving any opprobrious names. Because, after the best application he had been able to give to it, his opinions were in contradiction to those of the hon. gentlemen opposite, was that a reason that he should be taunted, as that hon. gentleman had been pleased to taunt him? The view that he took of the question was shortly this; but he by no means pretended to say that he must be right. He thought, that any law attempting to limit the rate of the interest of money was oppressive to those who wanted to borrow. The hon. gentleman thought the law advantageous to the borrower; and yet, by a strange inconsistency, he maintained, in describing the relative situation of the borrower and the lender, that the borrower was the party obliged to yield to the terms of the lender. The hon. gentleman had also alluded to the obloquy that attached to those who lent at a large rate of interest. That obloquy was, as the law now stood, an aggravation of the misfortunes of the borrower, who was obliged to pay the lender a premium, in order to induce him to submit to the obloquy. Nor was it obloquy alone for which the borrower was compelled to pay the lender. He was also obliged to pay for the whole course of evasion to which the existing law necessarily gave birth. From the evidence in the report of the committee of 1818—from all that he had observed in other respects—and from all the reflection which he had had an opportunity of bestowing upon the subject, he was perfectly satisfied, that the usury laws were oppressive and injurious to the borrowers of money. He was not much surprised that individuals connected with the landed interest should have expressed their dissent from the proposition for repealing the present laws. In the first place, the landed always felt a much greater indisposition to a change of any kind, than the commercial interest did. For his own part, however, he was convinced that the law, as it stood, must, in the course of years, put the interest of landed proprietors to great hazard. It was well known, that in consequence of these laws, it had become quite impracticable, during the late war, to obtain money by mortgage on land; and the consequence was, that the value of land had become unduly depreciated. But, finding so much indisposition on the part of the landed proprietors to agree to the repeal of the laws, he must say, that he attached so much value to the change in the law, by which it was attempted to regulate the value of money, that, if the gentlemen who had mortgaged their estates at five per cent, wished for a clause in the bill, providing that those mortgages should not be affected by the alteration of the law whatever he might think of such a provision, he, for one, would consent to its admission. Much had been said of the existence of laws similar to the usury laws in other countries. But, was there any resemblance between them? Did the usury laws in Holland empower any one to sue a man who had been guilty of usury, for penalties trebling in amount the principal which he had so lent on usury? All the advocates for the law talked of the ingenious evasions which took place respecting it. It was of those evasions that he complained. Those evasions were frequently ruinous expedients; and he charged the law with them. Adverting to the argument which had been used by an hon. gentleman, to show that those who derived their income from money matters did not contribute so much to the revenue as the landed interest, he contended, that nothing could be more opposite to the fact, and that he was utterly at a loss to conceive how any one could, for a moment, suppose that, from whatever source income was derived, whether from the land, whether from the funds, whether from commerce, or from whatever other quarter, it did not pay equally in taxation to the revenue.

Sir *R. Heron* maintained, that the proposition of the hon. and learned Serjeant tended to reverse the policy and morality of our ancestors, and those of almost every nation in every age. It had been denied, that there were any usury laws in Holland and Prussia. In Holland he understood they had been repealed five and twenty years ago: and the fact was, that the country had never prospered since, although he did not mean to say that all the misfortunes of Holland were attributable to that circumstance. As to Prussia, it was well known that money transactions were not free in that country. If a man wanted to borrow a sum of money and another wished to lend it, they could not transact the matter between themselves, but must go to a government office, where the one party was fitted with a borrower, and another with a lender. He was persuaded, that if this bill should pass, it would greatly injure, if not ruin, the landed proprietors of this country. He was quite astonished to hear the President of the Board of Trade say it would benefit them. He did not imagine that any great injury would result to them in the present state of the money market, but if money again became scarce, the proposed repeal of the usury laws would affect them most seriously.

Mr. *T. Wilson* acknowledged, that his original opinions had been in favour of the repeal, but that the arguments which he had heard in the course of the present evening in opposition to it had very much staggered him. He thought, in the then state of the House, that it was by no means expedient to drive the question to a division.

Sir *J. Sebright* expressed his perfect conviction that the law, as it now stood, was extremely injurious to the landed proprietor. As a landed proprietor, therefore, he expressed his thanks to his hon. and learned friend who had proposed its repeal. The fact was, that he had never heard but one good argument in favour of the usury laws, and that was from a friend of his, certainly no great political economist, who, in a discussion which he had had with him on the subject, exclaimed, "Why, every body knows that five per cent. is the natural interest of money." But as, after all, this argument was not perfectly conclusive, he should certainly support the bill.

Mr. *Baring* said, he was extremely unwilling to trespass on the patience of the House; but the question was one of such great importance, that he begged to be allowed to say a few words upon it. The opinion which he at present entertained upon it, was the opinion which he had entertained from the moment that he had been able to think at all; and he had not had the advantage enjoyed by the hon. member for London, of hearing any thing that night to alter his sentiments. The fact was, that the present was the first occasion on which the subject had been discussed. It was the first occasion on which they had heard a defence of the usury laws; and a defence, of which it was impossible to deny, that it contained some very cogent arguments. When it was considered, that all dealing in money was liable to great suspicion and obloquy, it would be evident that it was difficult to renounce prejudice, and to come fairly to the consideration of a proposition of this nature. He had had no share in bringing the present bill into the House; he was not a member of the committee on whose report it was founded; but it was before the House; and, convinced as he was that it would confer great benefit on every class of the community, he should certainly give it his support. One argument which had been urged by the opponents of the repeal was, that the lender had the command of the rate at which he would lend, and that the borrower was therefore at his mercy. No more so than the buyer of corn, or the buyer of any other commodity, was at the mercy of the seller. What was the case at this very moment? That, in consequence of not having any such compulsory power, the money-lender was obliged to come down to four per cent in his demand of interest. Upon the freedom of capital depended the freedom of all other branches of trade. If, therefore, the House were disposed to maintain free principles of trade—and the expediency of doing so could not be too strongly impressed upon them—they ought to be made aware, that there was nothing so necessary to the freedom of trade as the freedom of capital. Much had been said of the enormous usury that prevailed in India. The people in India had borrowed money from this country at 7, 10, 12 per cent. So much the better. What had been the result? They had been enabled to employ the capital thus obtained so advantageously that they now borrowed money at 5 per cent. The same principle would be applicable to Ireland. From the insecurity of property, or from some other cause, it so happened that there was a want of capital in Ireland. If, however, the interest of money were not limited to 5 per cent—if it might be contracted for on any terms, capital would flow into that country, and the most beneficial consequences would result. Whether, therefore, he reasoned on general principles, or on particular cases, he was still persuaded of the importance of getting rid of the present system.

The question being put on the motion, "That the Speaker do now leave the Chair, the House divided, Ayes 43. Noes 34. the House then resolved itself into the committee; after some verbal amendments had been agreed to, the Chairman reported progress.

HOUSE OF COMMONS.

Monday, March 1.

BREACH OF PRIVILEGE—MR. ABERCROMBY'S COMPLAINT OF THE LORD CHANCELLOR.] Mr. *Abercromby* rose, and addressed the House to the following effect:

Sir; a sense of the duty which I owe to myself as an individual; a sense of the duty I owe to the House of Commons, as one of its members, and a sense of the duty which I owe to the profession to which I have the honour to belong, concur to impose upon me the task of complaining to this House of one of the most gross and unwarrantable attacks that was ever made on the freedom of debate in this House, and made from the seat of public justice, by the lord high chancellor of England. When, Sir, I shall have detailed to the House, the means by which I became informed of the statement made by the lord chancellor to which I allude—when I shall have described the evidence by which I propose to prove to the complete satisfaction of the House, that the words attributed to the lord chancellor were actually spoken by him—when I have stated what the lord high chancellor of England said, and when I have stated what I myself said, then the House will be better able to follow the conclusions which I propose to draw from the occurrence. I shall, therefore, Sir, proceed to detail the circumstances of that occurrence; only entreating the House to favour me with their attention; because I can assure them that the subject of my statement and observations is not more interesting to me as affecting my personal character, than it is interesting to them as affecting their privilege of freedom of debate.

On last Saturday morning, Sir, I happened to be in the court of Exchequer. A person there, with whom I have no intimate acquaintance, but of whose accuracy, as well as of whose character and honour, I have no ground for entertaining the slightest doubt, addressed to me these expressions; he came up to me and said, "Mr. Abercromby, I have just heard a reference from the lord chancellor, to what you said in the House of Commons on Mr. Williams's motion." I then asked him what it was that the lord chancellor had said? He replied, "The lord chancellor imputed to you, that you had sent forth an utter falsehood to the public." I asked him, if he was sure that he laboured under no mistake on the subject? His answer was, "Certainly not. The lord chancellor referred to a gentleman with a gown on his back, and it could have been only you." On receiving this information, I felt, as I am sure every hon. gentleman around me would feel under similar circumstances. I proceeded immediately to the Court at Lincoln's Inn, with the object of obtaining a more exact statement of what had taken place. For that purpose I was going up to address the first counsel whom I saw, in hopes of gaining from him some information, when I accidentally met a short-hand writer, who is employed to attend the courts of justice, and to report their proceedings, for the public prints, and who said to me, "Mr. Abercromby, have you seen what the lord chancellor said of you this morning?" I immediately asked the short-hand writer to favour me with a copy of the notes which he had taken of the lord chancellor's observations. He put into my hands a report which he had written at full from his notes. In that report, I found the words "utter falsehood," underlined. I then applied to him to give me a copy of the report; but he declined doing so. I asked him, if he objected to show what he had written to another short-hand writer who was present? He assented. I showed it to the other short-hand writer, who objected only to one word, and said that the rest of the statement was perfectly true. Here is a proof of the accuracy of the information which I received. But, it does not rest here. I subsequently saw a gentleman of my own profession, of whom I may truly say, that I do not know an individual in whose honour and integrity I could more implicitly repose faith. What he told me was as follows. I stated to him what I had heard. His reply was, "I cannot vouch for the particular expression, but the statement is substantially true. The only doubt I have respecting it is, if the lord chancellor used the words "utter falsehood," or the words "another falsehood."—Now, Sir, there is little difference between the two expressions; but, of the two, the words another falsehood" are the more offensive, as they imply that falsehoods had been before spoken on the subject. After an interval of several hours, and when I had had sufficient time for reflection, I went again to the court of Exchequer, where I saw the same gentleman whom I had seen there before, to whom I addressed these words: "Are you sure that lord Eldon imputed 'utter falsehood' to me?" The answer was: "Of that I have not the smallest doubt." "Have you any doubt that those words were intended to apply to the individual who now addresses you?" The reply was clear and explicit. "They could be intended to apply to no one but you. The reference was to the debate on Mr. Williams's motion. Besides yourself, there were only two individuals with gowns on their backs, who took part in that debate—the hon. member for Winchelsea, and the hon. member for Lincoln. But they did not follow the line of argument adverted to by the lord chancellor. It is equally obvious, that you did; and therefore, that the observations in question were meant to apply to you." I then said to him, "Have you reason to believe that they made the same impression on others, and were understood by them in the same sense?" His answer was "My opinion must have been the opinion of every person present, who was at all acquainted with the details of what had passed in the House of Commons." On that evidence, Sir, my judgment is founded. Sir, I know that lord Eldon is a man to be treated with respect, and, like every other man, with justice. In the course of that very morning; immediately, indeed, after I became satisfied of the truth of the statement which I had heard, I formed, without consulting with any human being, my resolution with respect to the proper course to pursue. I went to a gentleman, an hon. and learned member of this House, who, I knew, had frequent opportunities of communication with the noble and learned lord; and I said to him:—"I come to you now, in order that you may be able to inform the individual concerned, what I intend to do. I am solely and exclusively governed by a sense of the injustice and indignity that I have experienced. I have to ask the favour of you to comply with this request. I shall certainly take time for calm deliberation, before I make up my final resolution; but, unless you hear of my change of determination before to-morrow, I beg you will go to lord Eldon, and communicate to him that it is my intention to complain to the House of Commons of what he has said from the bench, at Lincoln's Inn; and that I requested that you or some other confidential person would inform him of that intention." This is what I took the first and earliest opportunity of stating to the hon. and learned gentleman, and I have no doubt, that either yesterday, or this morning, the hon. and learned gentleman made this communication to the noble and learned lord.

I will now, Sir, state, by means of the channel which first put me in possession of the information in question, what fell from the lord chancellor of England, of the impression of which, on every man who heard it, I leave the House to judge. I will then state what it was that I did say, or at least the principal expressions that I used on the occasion, which the noble and learned lord alluded to; and lastly, I will state the course which, as an individual, I think it proper to adopt with regard to the subject.—With regard to the first, I beg leave to read from an evening newspaper of Saturday last, what is, in point of fact, a correct printed copy of the report that the shorthand writer put into my hands, and which he had transcribed from his notes. It is as follows:—

"Erroneous notions respecting the Court of Chancery, Saturday, Feb. 28.—Lord Chancellor: As it has been represented, that the person who sits here does mischief by hearing certain motions without the signature of counsel; that is to say, when motions have been made to discharge an order of the Vice-chancellor, or the Master of the Rolls, that such motions have been brought on without the signature of counsel—I have only to state, that having been in this court since the year 1778, whenever a motion has been made before the Master of the Rolls, which he has refused to allow, or which he did allow, and upon an application to the Chancellor to vary what the Master of the Rolls had done, or to destroy it altogether; and so again, whenever a motion has been made before the Vice-chancellor, and counsel have been of opinion that the motion had been improperly granted or discharged, the party has always, in all those cases, been at liberty to move again, with a view to set the matter right; and, if the signature of counsel be necessary, to alter the practice of the Court, as it has obtained since the period I have mentioned, all I can say is, that I have not a right to tax the king's subjects in that way. With respect to appeals and re-hearings, it is supposed that I have heard them on new evidence, and thereby brought discredit on some part of the Court. It is an utter falsehood! On re-hearings, it is always competent to read the evidence given in the cause, though it was not read in the Court below, either by the counsel or the judge—further than that the Court does not go. On appeals, it only reads what has been read in the Court below, and that practice I have never departed from in any one instance. Therefore, really, before things are so represented, particularly by gentlemen with gowns on their backs, they should at least take care to be accurate, for it is their business to be so."

Be it observed, that there was nothing in the nature of the business before lord Eldon, which called for or excited these animadversions. They must, therefore, have been premeditated. Subsequently, the lord chancellor is stated to have said:—"Such motions as I have referred to, have been made for half a century, and never with the signature of counsel; and yet the public are told, that the signature of counsel is necessary by act of parliament, and that I have dispensed with it."

Now, Sir, I will postpone any observations on these remarks, until I have put the House in possession, as far as I am able to do so, of what I really did say on the occasion alluded to. But first, I wish to say a few words to those who may be struck by two circumstances in the statement which I have just read; first, that no mention is made of the place in which the obnoxious expressions are supposed to have been uttered; and secondly, that no mention is made of the individual by whom these obnoxious expressions are supposed to have been uttered. Sir, I am persuaded, that lord Eldon, if it were possible that he could be here, would not himself say, because he could not venture to say it with truth, or with any regard to his own character, that the place to which he adverts, is any other than the House of Commons; and I am sure he would not deny, because he could not deny it with truth, or with any regard to his own character, that the humble individual who addresses you, is the person to whom he distinctly alluded. For the House will at once see the situation in which lord Eldon would be placed, should any indiscreet friend resort, on his part, to the mean pettifogging defence, that, in the first place, he did not mean the House of Commons, and that, in the second place, he did not mean the humble individual who now addresses you. What person is safe, if such observations as these are to be made upon him by the lord high chancellor of England; and such an answer is to be received? From what place were those observations made? From the seat of justice. Is not the lord high chancellor of England responsible for what he may say from the seat of justice? Could it be endured that the lord high chancellor of England should say from the seat of justice, that which every man who hears him knows to be applied to a certain individual—that he is to accuse that individual of being guilty of "an utter falsehood,"—and then that his friends here are to deny that he intended to speak of the place, and the individual, of which every body knew that he actually did speak? I cannot, therefore, believe that such a defence as this will be made this night for lord Eldon. What is the main fact? I asserted something in this House, on the accuracy of which I will presently satisfy them. The noble and learned lord, distinctly pointing out this House, and the individual who now addresses you, imputes to me that I sent forth to the public "an utter falsehood." If this were true, Sir—or indeed if it were not true, and I were basely to acquiesce in it without endeavouring to obtain redress for such an extraordinary imputation—you could not too soon desire the doors of this House to be closed against me; I could not too soon be excluded from a seat in this House, or be stripped of the gown which the lord chancellor seems to think I have disgraced.—If, on the contrary, it can be proved, that the seat of justice has been degraded by the delivery from it of false statements and assertions; imputing to me opinions which I never either uttered or entertained; and tending to render me an infamous and degraded individual; and if all this can be done without redress, then I ask, of what use are the privileges of this House, and what must be the condition of every member of the profession of the law, who either is at present, or may be hereafter a member of the House.

I am now, Sir, to repeat, what I actually did say at the time in question; and there is nothing in the whole of this transaction which is to me more unpleasant, invidious, and degrading, than that the act of any other man should render it necessary for me to give the House an assurance, upon my honour, that in re-stating what I said on a recent evening, I would not knowingly misrepresent or alter my statement; no, not if by doing so I could secure my triumph; or if by not doing so, I should give lord Eldon the satisfaction of a triumph over myself. I certainly cannot repeat the exact expressions which I used, for perhaps there are few individuals whose speeches are less premeditated than my own; but the substance of these expressions I can repeat with perfect truth and accuracy. Now, then, Sir, for the statement itself; and I entreat the House to bear in mind every part of what I said on the motion of my hon. and learned friend, the member for Lincoln, and on which it pleased the lord high chancellor of England to comment in a public court: I prefaced my argument thus: I stated, that one of the first and most important objects of inquiry which could engage the attention of the proposed commission to examine into the practice of the court of Chancery, was to inquire and ascertain, whether any effect had been produced on the practice of the court of Chancery by the creation of the court of the Vice-chancellor. That is what I opened my argument with, to the best of my recollection, and it shows its whole tendency. I then took occasion to allude to what had been the practice in cases of bankruptcy and of motions. I stated, that in cases of bankrupt petitions, when orders were made by the vice-chancellor, on which orders an appeal was afterwards made to the chancellor, it appeared to have been the practice, from the year 1813, when the vice-chancellor's court was established, down to the year 1819, to allow such appeals to be made to the chancellor without the signature of counsel; but that it appeared that in the year 1819, the practice was altered, and that the signature of counsel was required. On a statement made before lord Eldon, that an appeal from an order of the vice-chancellor on a bankrupt petition was not signed, lord Eldon decided that it should be so, and the practice was thenceforwards allowed. I further mentioned, that one of the main objections which I had urged against the creation of the vice-chancellor's court, was, that it tended to increase the number of appeals, and to multiply the Chancery business injuriously. I then adverted to the case of motions. I stated that in cases of appeal from the decrees of the vice-chancellor, such appeals must be certified by the signature of counsel, which served as a security against speculative appeals; but that in cases of motion no such signatures were necessary; so that a disappointed counsel or solicitor, who had been foiled in his application to the vice-chancellor, might suddenly, and in the heat of the moment, renew his application to the lord chancellor. I also said that he could not only do this without any signature of counsel, but that he could do it, in violation of the most sacred principles of justice, by bringing his application before the lord chancellor, on a renewed motion, with fresh evidences; for that having discovered, when his application was before the vice-chancellor, the deficiencies and weakness of his case, he was able to supply those deficiencies and sustain that weakness before the chancellor, by the production of additional matter and more powerful arguments. What is the consequence? That which might be expected. That there are numerous instances of different decisions on the same cases by the lord chancellor, and by the vice-chancellor, whose opinions were thus frequently brought into collision; a thing certainly very derogatory to the respect and dignity of the inferior court.

This, Sir, is, as well as I can recollect, the tendency and substance of what I said on the occasion of my hon. and learned friend's motion. Now, let us examine a little what it is that the lord chancellor says? The lord chancellor says, that it has been the invariable practice in the court of Chancery, since the year 1778, when he first entered that court, that when appeals from refusals to grant motions had been made to the lord chancellor, it has never been required that they should have the signature of counsel. Why, so said I. On that point, therefore, it appears, not only that what I stated was not incorrect, but that it actually received the sanction of the lord chancellor himself. I said, that the signatures of counsel were not required to such appeals, and I mentioned them in contradistinction to other cases, in which the signature of counsel was required. In that statement, therefore, my accuracy is in no way impeached. Lord Eldon, no doubt with a view of deriding the argument I used in this House on the subject, refers to a feature in the practice of the court of Chancery, before the establishment of the vice-chancellor's court. He says, in cases in which a motion has been made before the Master of the Rolls, which he has refused to allow, and upon an application to the lord chancellor to vary what the Master of the Rolls has done, or to destroy it altogether, the same fact exists of the signature of a counsel to the application not being required. Now, Sir, I beg to ask my hon. and learned friend, the solicitor-general, whether, speaking of the general practice of the court of Chancery, and of the amount of special motions, it seems to be considered the duty of the Master of the Rolls to hear special motions? Does my hon. and learned friend allow that it does not? Well; I now ask him, whether it is not true that the vice-chancellor hears by much the larger proportion of the special motions that are heard in Chancery? My hon. and learned friend must say "yes." I then ask the House, what consistency, or what reason there is in comparing two cases which are so dissimilar; the case of the Master of the Rolls, who rarely hears special motions, and the case of the vice-chancellor, who hears the larger proportion of the special motions that are heard? This will be further obvious when it is recollected, that what I complained of was no grievance when the Master of the Rolls heard few motions; but is a great grievance now that the vice-chancellor hears a larger proportion of motions. Is that, or is it not, a fit object for the inquiries of the commission?

So much, Sir, for that part of my argument. With respect to hearing fresh evidence on motions, it is a fact which I am sure my hon. and learned friend will not deny, that there have been many instances of motions made before the vice-chancellor on one statement of facts, and then removed before the lord chancellor, and made on another statement of facts. From the contemplation of such an occurrence, this plain and obvious argument arises; If the party who has been disappointed in his motion before the vice-chancellor goes before the lord chancellor with the same facts, the probability is, that he will receive the same judgment; but if before the renewal of his motion, he provides himself with additional facts, the probability is, that the lord chancellor's decision will be different from the vice-chancellor's decision; and as it will not be generally known that that difference has been probably occasioned by the new facts, it must tend very much to depreciate the authority of the inferior court.

I have now, Sir, stated nearly all that it seems to me to be necessary to state to the House on this subject. Lord Eldon says, that motions are renewed in the court of Chancery without the signature of witnesses. So I say. Lord Eldon says, I allege that the signatures of counsel ought to be affixed to such motions. I said no such thing; and whoever asserts that I said it, asserts, "an utter falsehood." Then lord Eldon says, that with respect to appeals and re-hearings, he does not hear them on new evidence. Not appeals from decrees, and further directions, certainly. I never said that he did. Quite the contrary. I put them in distinct contrast to motions, which I again declare the lord chancellor frequently hears on fresh evidence. I think, therefore, Sir, that the House will agree with me, that lord Eldon, at the very moment when he says, I have been guilty of "an utter falsehood," puts into my mouth not only what I did not say, but the very reverse of what I did say [hear, hear!]. The noble and learned lord altogether abstains from noticing my distinctions, and confounds that which I stated on the subject of motions with that which I stated on the subject of decrees. Lord Eldon has, therefore, falsely put into my mouth what I did not utter; and has declared, that in what I felt it to be my duty to state in my place in parliament, I imposed on the public. These, Sir, are the facts. But are there no aggravations of them? I ask when it was, and where it was, that lord Eldon uttered this foul calumny against me? Was I present? Had I any notice of the noble and learned lord's intention? Before whom did he utter the calumny? Before persons whose unfavourable opinion, if I had no means but what I derive from my profession, must effect my entire ruin [hear, hear!]. In what form did this calumny go forth to the people of England? In that of a report made by a reporter in a court of justice, attending on behalf of the public, who took down the words as soon as they were uttered, and who sent them to an office, where they were printed before the ink with which they were written was dry. Such was the place, such was the occasion, such were the means by which the lord high chancellor of England sought to vilify an individual, one of the humblest members of his own court. If, Sir, I had chanced to be in the court at the time, what might have happened? I hope, and I believe, I should have been able to control my feelings. If, however, I had not done so, it would have been in the power of the noble and learned lord to silence me. If I had persisted in addressing him, he might have committed me to the Fleet. If the noble and learned lord had stopped me, would it not have been an act of the grossest injustice and indecency, after having calumniated a member of his own profession, and of his own court, by doing what he could to induce the public to believe, that that individual had been guilty of "an utter falsehood," to prevent him from replying to so monstrous and injurious an accusation? But, if lord Eldon had thought fit—as he could not have abstained from doing without the grossest injustice—to have allowed me to have replied upon him, what a spectacle it would have been to have seen the lord chancellor of England engaged in a controversy with one of the humblest practitioners in his own court, respecting words used in the House of Commons. Lord Eldon thought fit to impute to me, that I did not use due caution before I made those statements, which he attributed to me. In which case was the defect of caution most signal? In the case of myself, Sir, who was speaking in the presence of hon. and learned gentlemen, every way my superiors, especially in the knowledge of the practices of the court of Chancery; who, if I had been guilty of any misrepresentation, would have instantly detected and refuted it, to my utter confusion and shame? Or, in the case of lord Eldon, who, invested with all the power, and patronage, and authority of the office of lord chancellor, presumed, on the seat of justice, to take advantage of a false representation of the words of an humble individual, to pronounce upon him, without inquiry, the sort of censure best calculated to destroy his fame, and at a time when no one had the means of interfering to avert the effect of that most unjust censure [hear, hear!]. We have heard a great deal, Sir, of the delicacy of lord Eldon, of his anxious desire of justice, of that amiable weakness of mind too sensitive to the fear of possible wrong to others, and too cautious to decide, lest he should decide erroneously. If this had been a case in which the right of private parties had been concerned, there would have been, no doubt, argument after argument, affidavit and supplemental affidavit, months and years would have passed, and the "too sensitive" mind of lord Eldon would have abstained from settling those claims which it is his duty to decide on. But what, Sir, was his mode of proceeding, when there was an occasion to pronounce from the seat of justice an anathema founded on a false statement of facts, to destroy the character of an individual whom he supposed to have censured himself? Then, indeed, to the just mind of the just lord Eldon, there seemed no room for caution—no time for inquiry [hear, hear!]. He at once proceeded to decide, to pronounce, and to execute his sentence. From whom, I should be glad to know, did lord Eldon receive his information? From what legitimate source did he derive it? The attorney and solicitor general were present in the House; neither of them could have given the learned lord the statement which he dared to attribute to me. My hon. and learned friend, the member for Exeter (Mr. Courtenay), and my hon. and learned friend whom I saw just now in the House, the member for Tewkesbury (Mr. Dowdeswell), were also present during my speech; and if the lord chancellor had chosen to resort to them for information as to what had passed in these walls, he would have learned how unlike what I uttered was that which he attributed to me [hear, hear!].

But now, Sir, let me ask what authority, what right, has the lord chancellor of England, or any other Judge, to undertake to comment on the judgment seat on the debates of this House. Where does lord Eldon, who is so cautious, find a precedent for this? How can he say he is not guilty of a gross breach of the privileges of this House? It is not a formal but a substantial breach of privilege, a direct attack on the security and freedom of debate, which is the only legitimate object of privilege. What is the situation of any member of this House, if the lord chancellor, or lord chief justice of the King's-bench, may presume to put false statements into his mouth and send him forth a disgraced, and as far as the authority of the judgment-seat can go, a ruined individual? By what tenure shall we then hold the freedom of debate, but at the will and caprice of any lord chancellor, and any chief justice? If this condition be intolerable to all the members of the House, how much more fatal must it be to those members who also belong to the profession of the law, if they are subject for what they say in this House to be denounced by the lord chancellor from the bench—if any of the judges, when any thing is uttered in the House, which touches their feelings, are to denounce in the court where he practises, a man who exists only by his honest exertions in his profession, and to destroy in a moment, by a false statement, his character, not only as a professional man, but as a gentleman and a man of honour [hear, hear!]? If the House do not protect its members from this tyranny and despotism (for what can be greater tyranny and despotism I cannot conceive); nay, if it do not secure itself against all control of this kind, if lord Eldon be allowed to extinguish any member of this House, by uttering these things of him from the judgment-seat, of what avail is the freedom of debate—particularly to any man who shall at once be a member of the House, and of the profession of the law? If the House shall think the facts which I have stated to be clearly proved (and I will adduce evidence to put them out of doubt), it must be incumbent on it to take decided and vigorous steps to rescue its own privileges, to vindicate the freedom of debate, and to put on a secure footing the independence, the spirit, and the usefulness of parliament? If, on the other hand the House pass by this gross violation of its privileges without interfering, how, I ask, can we expect that there shall remain any vestige of independence, public spirit, or usefulness in this House? If my appeal be neglected, what wrong can be offered to a member of this House, against which he can think there is any hope in calling on the House for protection? The result will be, to lay the bar of England prostrate at the feet of lord Eldon. The conduct of lord Eldon, which I shall substantiate, is a gross attack on the freedom of debate: for if I had uttered a thousand falsehoods in this House, the lord chancellor of England had no right to animadvert on them on the judgment-seat. It is on this ground that I offer the conduct of the lord chancellor to the notice of the House, and if the House be prepared to pass it by, let it say distinctly that there shall be no longer freedom of debate. The course I shall take is to move in the first place, to call evidence to prove the expressions used by the lord chancellor. This being done it will be for the House to determine what step it will next take. I move you, Sir, "That Mr. Farquharson do attend this House to morrow".

Mr. Secretary *Canning* said:—Sir, there is no man who heard the hon. and learned gentleman's speech—no member of the profession to which he belongs—no one of the friends by whom he is surrounded, who is ready to make more allowance than I am for the feelings which he has evinced, or to render a more sincere tribute of praise for the moderation and propriety with which he has expressed them. He has displayed an anxiety that is highly creditable to free himself from an imputation which, as far as my testimony goes, he is not subject to; for, without being enough of a professional man to be aware thoroughly of the importance of the distinction between what the hon. and learned gentleman stated the other night, and what he elsewhere was understood to have stated, I can most unequivocally declare, that in his argument that night, the impression on my mind was, that he did not go out of his way for the purpose of throwing imputations on the lord chancellor, or of making what has happened in the court of Chancery, matter of individual blame,—and not the result of a faulty system. Such, Sir, was the impression on my mind; and if my testimony had been required, I should have been as ready to state elsewhere, as I am to state here, that there was nothing uttered by the hon. and learned member on that occasion which went beyond the fair line of discussion, or which could justifiably furnish a ground of personal offence. Admitting this, Sir, I can feel also, that the hon. and learned gentleman, strong in the recollection of his purpose at the time, and of his mode of executing that purpose, could not have avoided feeling surprise and indignation at finding his speech stamped with terms of so gross a character as those which have been applied to it. But, Sir, in his statement to the House, the hon. and learned gentleman has dropped one link of the transaction; he has dropped the consideration, whether what he said justifiably was reported correctly to the lord chancellor, as if there could be nothing in the channel in which what was said here was conveyed to the noble and learned lord, which might have perverted its meaning. Here, again, as an unlearned person, I must remark, that I am not capable of discriminating the difference between what has been reported, and what the hon. and learned gentleman actually said; but those on whose knowledge of the subject I fully rely, assure me, that while in the speech actually made by the hon. and learned gentleman, there was nothing of which the lord chancellor could justly complain; yet, in the report conveyed to the noble lord, there was that colour given to the hon. and learned gentleman's observations, which, though not materially different to an unprofessional eye, was false and incorrect, and calculated to excite in the breast of the judge to whom they referred, the same feeling of indignation for which he had made a not less generous allowance, when manifested by the hon. and learned gentleman. What then, Sir, is the conclusion to which the hon. and learned gentleman comes at last? That whatever is said here, and misrepresented elsewhere, affecting any person high or low, the person against whom it is directed must put up with it quietly and unresistingly? Sir, if there be any fault in what has happened, the fault is in our own practice, or rather in our own connivance; a fault which I do not indicate with any wish to see it corrected; a fault which has produced incalculable benefits to the country, but which, amidst all its advantages, has this inconvenience—that when the characters of individuals are under discussion here, the smallest variation, the most unintentional misrepresentation, of what is here uttered may harrow up the feelings of the most just and righteous man in the country, by the imputation of principles or practices which he abhors. The hon. and learned gentleman has said, that a judge had no right to take cognizance of what is said of him here. What! is it of no consequence that in courts in which a judge administers justice, he should be known to sit with clean hands? Is it unnatural that he should be anxious to refute, before those who are the best judges of their truth or falsehood, the imputations which he may suppose have been levelled at him? The hon. and learned gentleman will acquit me of the charge of contending, that either on this or on any other occasion, a judge should discharge his duty to himself without reference to his duty towards others, or that he should make observations on statements, of the authenticity of which he is not satisfied. As readily, I am sure, will he acquit me of the idea of sheltering myself under the technicality of denying, that what was said by the lord chancellor had reference to what passed in this House. But, it had not reference to it, I am sure, in the sense which the hon. and learned gentleman has attributed to it—not in the sense of a great officer of the Crown attempting to intimidate a member of the House of Commons—but of an individual, feeling, perhaps, too sensibly, for his character, after a public life of great and spotless, and irreproachable merit, and of whom it might be said, that he wore his heart upon his sleeve "for daws to peck at" and dreaded too much every trifling attack, as striking at the vitals of his reputation. It is a fault to be so sensitive—it is a fault in a public man—but it will be hard on public men, that it should be so severely visited, as the hon. and learned gentleman proposes; for I am sure that the course he points out, can lead us to little less than an accusation of the most serious kind. I certainly wish that a different course had been taken by the noble and learned lord, and that in the time that elapsed between the debate in this House, and the end of the week, he had recurred to other testimony, which might have set him right as to the words actually uttered by the hon. and learned gentleman [hear! hear! from the Opposition]. That it is to be regretted that the noble and learned lord neglected this precaution, I admit, but that he could treasure up the mis-statement to take an opportunity of wreaking his vengeance on an individual, is what no man would believe of another, and what any one who knows the character of the noble and learned lord will not dream of attributing to him. [The Solicitor-general here whispered to Mr. Canning]. I have made this observation, supposing it to be true, that the lord chancellor had seen the reported observations of the hon. and learned gentleman soon after they were uttered; but my hon. and learned friend, who is acquainted with the fact, tells me that the newspaper containing the expression attributed to the hon. and learned gentleman was put into the hand of the lord chancellor only on Saturday morning, at the moment of his going into court. Then, Sir, are the hon. and learned gentleman and the lord chancellor, so situated that the character of one or the other must suffer? There is, it appears to me, an intermediate path. What the hon. and learned gentleman said could not justly have given offence, while in that misrepresentation, not wilful and not inexcusable, of the hon. and learned gentleman's observation, is to be found a justification of the warmth of the noble and learned lord. The hon. and learned gentleman has vindicated himself in the face of the House and of the country; and it would appear in him somewhat approaching to the temper which he has attributed to the lord chancellor, if he were to press his motion; and I see nothing which need preclude him from receiving the best and most substantial satisfaction, in the assurance, that what he really did say would not have excited the feelings, which the misrepresentation of what he did say, has led to the expression of. Sir, with these feelings, and to prevent the commencement of a proceeding, the termination of which we cannot anticipate, and with the fullest admission that the hon. and learned gentleman has set himself entirely right with the House and the country, I shall oppose his motion.

Mr. *Brougham* said—If the only parties, Sir, here this night were lord Eldon and my hon. and learned friend,—if the only objects were, the putting my hon. and learned friend in the right, and the putting the lord chancellor in the wrong, I should be satisfied that justice has been done to both parties, and that both objects have been gained; the first object by my hon. and learned friend's own speech; the second, by the admissions of the right hon. secretary, in his defence of his noble colleague—a defence, the candour of which was great, the fairness not little, and of which the moderation and the skill are equally deserving of praise. A defence indeed of the lord chancellor, it can hardly be called, it is an admission of the charge against the noble and learned lord, and an humble, he would not say submissive, and by no means injudicious speech in extenuation. But, Sir, besides my hon. and learned friend, besides the lord chancellor, does it not occur to you that there is a third party, and my hon. and learned friend must forgive me for saying, a more important one than either of the others? Besides his character, across which not a shadow of a shade has been cast in the estimation of those that know him, and which now, by the confession of all, has been so unjustifiably attacked, besides this, is there not a higher interest concerned in the present question; namely the privileges of this House of Parliament?—privileges which, if the gross attack upon them that has been brought under our notice be disregarded, can exist no longer, except to be laughed at by those who hate us—to be trampled on by those who would assail us—to be found powerful only against the weak, and impotent against the powerful. Let but an editor of a newspaper be accused of encroaching on our privileges—let a reporter be accused of misrepresenting any thing that has taken place here, and of commenting too freely on his misrepresentation, it does not follow indeed that he is brought at once to the Bar (nor is this the stage in which any such thing is demanded here), but, let a complaint once be made and there is no delay in bringing the offence in a distinct shape under the cognizance of the House. We do not then hear that it was done in a moment of irritation—that the offender had conceived the privileges of the press to be attacked—we do not hear it said, "we must excuse this warmth in editors or in reporters; don't examine the case, don't come to a vote, don't let us visit a mistake; if he had waited forty-eight hours, and had taken the slightest pains to inform himself on the subject, we should have escaped; he would not have made his remarks, for he would have found there was no ground for them. This is not the defence which is set up in such cases, but it is precisely the defence set up for the noble and learned lord, and I cannot conceive that, hereafter, if this case passes unnoticed, it will be any thing less than insane to talk of vindicating, as against more humble individuals, the privileges which the chancellor is admitted to have violated; for no one, I imagine, will deny that he has most grossly violated the privileges of parliament [hear of dissent from the ministerial bench]. Then, Sir, if this be not a violation of the privileges of parliament, I should be glad to know what is conceived to be one?

I remember one of the late cases in which this House has vindicated its privileges by harsh measures: it sent an individual, not a high or powerful one, indeed, but an humble individual, Gale Jones, to Newgate for five or six months because he had violated our privileges. The ground of that proceeding against Gale Jones was a quibble on two lines of the Bill of Rights—that no man shall be questioned for any thing said in parliament, in any other court or place; and the act attributed to Gale Jones was, that he had placarded on the walls a question concerning the conduct of a member of the House, which was to be debated at some spouting club. No one, not merely no lawyer, but no one who can read and has common sense, can suppose that the Bill of Rights means any thing like what was attributed to it—or that the "questioning" in any other court or place, (the word place was the occasion for the quibble,) can have had in view placarding the streets or canvassing a member's conduct in a debating club; but I do think, that without quibbling, the conduct of lord Eldon approaches near to a violation of that declaration. He remarks on the conduct of a member of parliament, not in a place merely, but in a court. He does not "question," it is true *castigatque auditque*. He does not read other reports; he does not take his paper to any one, who could have informed him what was said by my hon. and learned friend; he does not allow the least time for inquiry, but proceeds without hearing, to pronounce his sentence, and to carry the sentence into execution [hear, hear!]. I am sure, Sir, that the language I have used is not a tittle too strong. With the noble lord's intentions I have nothing to do; it is the tendency of his acts I must look to; and I ask, with what safety can a member of the bar sit in this House, if the head of the court in which he practises, and to which he is confined—in which the means of existence, and it may be of subsistence for his family are to be found, is, on account of what he has said or done in this House, to pass on him a sentence, which goes to exclude him from practice, to destroy the well-earned rewards of a former life, and, as far as the profession is concerned, to close that life for ever [hear, hear!]? I do not say that the lord chancellor has done this; but, if his conduct be lightly passed over, this may be done with impunity; and, what a state is that in which will be placed the members of that profession who have a duty to discharge here? The only defence that has been set up for the lord chancellor is, that there was something in the proceeding on his part as hasty in itself as it was extraordinary on the part of that learned judge—that his conduct, besides being indecorous to the House, shewed rashness and impatience very unsuitable to the judgment-seat, and that therefore it is to be excused. I greatly fear that no one out of this House will see the strength of this plea, and that if we refuse to deal with this offence, and reserve our privileges to crush those humbler individuals from whose attacks we have no danger to apprehend, even for this ignoble purpose they will be found ineffectual. If persons connected with the press, or any person in inferior stations to the lord chancellor, should feel any wish to hold us up to public scorn, or to paint our proceedings in characters, however false (for it is admitted that the representation this night in question is altogether false), I cannot conceive why he should allow such a wish to remain, to the uttermost degree, ungratified. But, if that wish should be indulged in, it will be ridiculous, or worse than ridiculous, to arm ourselves with the terrors of privilege, to guard against ridicule or invective. while we take no means to secure ourselves against a repetition of this gross and dangerous attack on the freedom of our debates, and the independence of so many of our members.

The *Solicitor-General* said, he had read in a morning paper what purported to have been a report of the speech of his hon. and learned friend in that House on Tuesday last. He was convinced that no such speech fell from his hon. and learned friend, but that what he had actually said was quite different from what in that paper was reported to have been said by him. The report made his hon. and learned friend say that the noble and learned lord had evaded the fair construction of the vice-chancellor's Bill, and by doing so, had brought expense upon the parties, and disparagement on a brother judge. He would ask any hon. gentleman who heard him, if such a charge were made against him if, in whatever capacity he might stand, so serious and so shameful a breach of his duty were charged upon him—would not his feelings be irritated? If his hon. and learned friend would attend to what was stated in the report in question, his hon. and learned friend would see—the House would immediately see—the gross misrepresentation of that report. The report appeared in The Morning Herald of Wednesday last. Here the hon. and learned gentleman read the following passage: "Any cause that had been before the vice-chancellor might be again, according to the present practice, brought before the chancellor —not by way of appeal, but on re-hearing by getting the parties to furnish new affidavits, setting forth new matter, although the law was, that no appeal should be brought without the signatures of two counsel. The lord chancellor permitted that practice, by which a great expense was brought on the litigating parties, and great disparagement on the learned judge who had just heard the cause. Hence arose much of the increased business of the lord chancellor's court in permitting those causes to be brought for his hearing, by that construction, or rather evasion, of the act of Parliament." The learned judge was there charged with an evasion of the act of parliament, with rehearing appeals, and that without the signature of counsel: but what this paper charged the judge with as to the breach of an act of parliament, his hon. and learned friend had told the House was not what he had stated. He (the solicitor-general) was absent from the court of Chancery on the morning of Saturday, but when on coming into court the paper was shown to him in which that report was, he read it over, and he immediately said, "I doubt whether Mr. Abercromby, my hon. and learned friend, ever said that." He was glad of that cheer for if he were asked whether this was a correct report of what his hon. and learned friend had said, he would say it was not a correct report. He had not said any thing of its being a disparagement to the vice-chancellor, in the account which he had given of it that night. His hon. and learned friend had said, that the lord-chancellor was in the habit of re-hearing causes with too great facility. Now, he (the solicitor-general) knew that the vice-chancellor, two years ago, had complained to the lord chancellor, that cases decided by him on motion were the very next day heard by way of appeal before the chancellor. He also knew, that the lord-chancellor had said in reply, that the act of parliament did not go to prevent parties from having cases on motions re-heard in his court. The vice-chancellor, on that occasion, wished that all motions made before the lord chancellor, for the purpose of altering a previous decision of the vice-chancellor, should, as in cases of appeal, be signed by two counsel; but the lord chancellor had said, that that course would be impossible, because the practice on the re-hearing of motions previously made before the Master of the Rolls, was not to have the signature of two counsel. He knew, therefore, that the practice in respect to motions and appeals was not assimilated. His hon. and learned friend seemed to have appropriated to himself the expressions which it was said had fallen from the lord chancellor; but, in his apprehension, there was no personal observation intended to have been made. No one could more highly estimate the honour and integrity of his hon. and learned friend than he did. He heartily concurred in the cheers that his hon. and learned friend had received: no man was less capable of saying what was not true than his hon. and learned friend. No man was less likely to make a public subject the vehicle of private and personal attack. On the morning that the painful discussion had taken place in the court of Chancery, he declared that in his opinion, the words attributed to his hon. and learned friend were not used by him [repeated and loud cheers from the Opposition]. He trusted he had now exculpated the noble and learned lord [a laugh, and cries of no, no!]. He might not in the opinion of others have worked out what he had intended to work out. He could not help it, if other gentlemen took a different view of the question. It was said, that the observations of the lord chancellor amounted to a direct personal attack on his hon. and learned friend. He did not think so. If a judge were suffered *ad libitum* to make attacks in his own court, on the practitioners of that court he would feel that the profession of the law was prostrated and degraded—he would never countenance such conduct—he would never assist any chancellor, any judge, or any living man in such attacks. He went along with his right hon. friend, with him he could not believe that the noble and learned lord meant to make any personal attack. What was said by the noble and learned lord was in answer to an attack supposed to have been made in a speech which was not spoken; and was intended to set his lordship right with the public, on a matter of fact, which grew out of the misrepresentation that had taken place. He absolved the lord chancellor from any, the slightest breach of the respect due to the bar. He acquitted the noble and learned lord of having done any act that any judge in Westminster Hall would have avoided, as oppressive towards that body. "Hanc veniam damus petimusque vicissim." This was a subject on which any man might be expected to betray some impatience. The noble and learned lord found himself held up to the public, as guilty of a perversion of justice, as the author of mischiefs in the court in which he presided. Was it to be expected, that he should hear those charges in silence, that he was to hear calumny, abuse and misrepresentation, without observation and without reply? The misrepresentation in question was one, which, though to be regretted, might happen to be made by any man not a lawyer, whose mind was not habituated to legal distinctions, and legal investigation. Personal contest surely could not have been the object of the noble and learned lord; but every candid man must allow, that the statement which had been made was calculated to excite the feelings. That passage, every word of it, turned out to be false in point of fact. The imputations which were of so serious a nature were not made by his hon. and learned friend, but were represented to have been made by him. Having said thus much, he would not further trespass on the time of the House. If he had not succeeded in bringing the gentlemen to his view of the case, he at least felt strong in his own opinions. He agreed with his right hon. friend, that he saw no reason why his hon. and learned friend should take what had fallen from the noble lord in the light of a personal attack. It was not meant as an attack on his honourable and learned friend; it was not meant as an attack on the privileges of that House it was merely an abstract vindication of the judicial conduct of the noble and learned lord, without intending to throw any personal imputation on his hon. and learned friend.

Mr. *Scarlett* said, that as a member of that House, whose privileges were attacked, and of that profession whose rights were assailed, he hoped he might be permitted to say a few words. He concurred in the speech of his hon. and learned friend who had just sat down—a speech which did the highest honour to his hon. and learned friend, and to every sentence of which he subscribed. If his hon. and learned friend had been placed in the situation of the noble and learned lord, it was evident that he would have taken a very different course from the course taken by the noble lord. His hon. and learned friend had said, that when he read the report, he doubted whether the expressions there attributed to the hon. and learned member had been made use of by him. Well, was his hon. and learned friend, he would be glad to know, more disposed to doubt than the lord, chancellor of England? He did not hesitate to say, that the step taken by the noble and learned lord, was most degrading to the bar of England. Why, he would ask, had not the noble and learned lord, when he saw the report in a newspaper, taken, as he might have taken, some steps to ascertain whether that report was or was not true? He might have sent for his hon. and learned friend, he might have laid the report before him, and questioned him as to its accuracy. There was another course open to the noble and learned lord, if he meant merely to reply to the statement contained in that report, why did he not mention the report—and why did he allude to his hon. and learned friend? There were various ways which an individual might take to refute charges appearing in print: he might take up the report complained of, and reply to the charges contained in it. He (Mr. Scarlett) did not intend to take up much of the time of the House on the present question; for he could state the sentiments which he entertained respecting it in a very few words. He would suppose that the chancellor, or any other judge, had, for any expressions used by a member of that House, proceeded to commit him to prison—what would the House say—what would it do in such a case? He would ask, would not the House consider such a proceeding a gross violation of their privileges? Suppose the chancellor, or the judge, had proceeded against the member by some process of the court and fined him—would not the House consider such a proceeding a gross and violent invasion of its privileges? He asked the House, then, were they prepared to say, that they would preserve the persons and property of its members from the attacks of the chancellor, but that they were ready to surrender their characters to be disposed of at his pleasure? For himself, if he were to act according to his own feelings, he would much rather that the chancellor should send him to prison—he would much rather that he should strip him of his fortune and of his gown—than to call him a liar [cheers]—than to call him a liar from the seat of justice. He would suppose that that daring and most degrading epithet had been bestowed on him, not by a lord chancellor—not from the bench of justice—but from his equal in private life—what would that House think of one of their members, who would tamely put up with so grievous an insult, without having the courage to resent it? If that House, then, were jealous of its privileges, when those privileges were attacked by an individual of little note, or little power, how much more were they called upon, to vindicate those privileges, when they were attacked by so powerful and so high a personage as the lord chancellor of England, from the very seat of justice? It had been said, that the bar of England was in a degraded state. It would ill become him, as an humble individual belonging to that profession, to enter, in that place, into the truth or falsehood of that assertion; but this he would say, that if it were intended to degrade the bar of England—to sink it lower in public opinion—no more effectual way could be taken to accomplish that object, than that which the lord chancellor had taken [hear, hear!]. If the head of a court conceived that a member of that House had injured his reputation, or had hurt his feelings, by making use of certain language in his place in parliament—and that judge having all the power in his own hands—speaking from a place where no answer could be made to him, should attack the member—should charge him with falsehood—should express his astonishment, that language such as his could come from a man who wore a gown on his back—in such a case, where were the boasted privileges of that House—where was the independence of the bar? He could not hope that the House would deeply sympathise with him when speaking of the integrity of his own profession; but, when they looked on the question as a question deeply affecting the privileges of that House, he asked them, were they inclined to defend those privileges? Was it only inferiors that were to feel the effects of their power? Were they only to defend their privileges against those who could not injure them, whilst the great and the powerful might trample upon them with impunity? The House, he hoped, would recollect, that those privileges were not given to oppress the weak, but were intended as a shield of protection against the powerful. He owned he thought that the argument gained strength in proportion to the power and authority of the offending individual. He said it with great sincerity, that the noble and learned lord was a person of high reputation, of great power, dignity, and honour; but, when he thought fit to attack an humble member of that House—humble in comparison with the noble and learned lord—and, to pour forth the vial of his mighty wrath upon him, that House was bound in support of its rights, its dignity, and its character, to vindicate its assailed privileges. Suppose his hon. and learned friend, instead of having been attacked by a person of great power and influence, had been attacked by any of the judges of the common-law courts, would not that House have indulged in one universal feeling of indignation? Why were they to feel less because a chancellor attacked one of their members? Was it interest, or was it fear, that prevented them. It was either one or the other? If they allowed themselves to be influenced by either, they would surrender their privileges, and would endanger that character in public opinion, upon which those privileges in no small degree rested. What was the defence which had been set up for the lord chancellor? It was said, that he had thought that his hon. and learned friend had said something respecting him that was an utter falsehood. Suppose he had said so, that would not alter the question of privilege. The attack on his hon. and learned friend, was an attack on their privileges. It was not denied, that the individual alluded to by the lord chancellor, was his hon. and learned friend. It was admitted, that his speech was misrepresented in the identical paper which the chancellor had the misfortune to read. Was it to be endured, that the lord chancellor should degrade and vilify a member of that House, because he thought fit, without inquiry or examination of any sort, to take up as true that which was false—and which, whether false or true, could not justify the noble lord in making an outrageous attack on the privileges of the Commons of England? It was with reluctance he had entered into the discussion. For the lord chancellor personally he felt nothing but respect. Whenever he had, in the course of his professional avocations, been before that noble and learned judge, he had experienced from him great civility; but it was from a strong sense of duty, although with much reluctance, that he felt compelled to express the opinion which he entertained of his conduct in the present instance. In no instance, as far as he could learn, from the history of the country, as well as from his own experience in that House, had the parliament of England been more vehemently called upon to vindicate its privileges and its dignity.

The *Attorney General* rose to offer a few observations to the House on the present occasion. The impression on his mind, with respect to the attack which the noble and learned lord was accused of making, was, that the noble and learned lord had no intention of making any such attack, but was desirous merely of defending himself from an attack which had been made against himself. He begged the House to consider the situation in which the lord chancellor, or any other individual, was placed, who might be made the object of certain charges which should be circulated throughout the country without contradiction. The debate, in the course of which the speech of his hon. and learned friend had been made, took place on Tuesday; the newspaper in which a report of it was inserted was published on Wednesday. In that report—which he admitted was an incorrect one—the lord chancellor was charged with very extensive malversation in his office, with having perverted the practice of the court of Chancery; and with having evaded the law itself for a most degrading purpose—namely, that of elevating himself, at the expense of another judge who was sitting in the same court. Could any thing, he asked, be more galling to the mind of the noble individual against whom it was made than such a charge? That charge, thus supposed to have been made within the walls of parliament, had been circulated throughout the kingdom for several days, when the expressions of the lord chancellor, now alluded to, had been used. But, would it not be fair to inquire whether his hon. and learned friend had in the interval, taken any steps to correct this mis-statement? Did he come down to the House and call for its censure upon the individual who had circulated a libel, as untrue and as unfair as it regarded himself, as it was calumniatory of the lord chancellor? Was the noble and learned lord, therefore, to be supposed to have felt nothing, when he saw this charge made universally public, and remaining uncontradicted? Could no excuse be found for the noble and learned lord when he made use of the expressions which had been alluded to? Was he stating too much, when he said, that the lord chancellor did not attack his hon. and learned friend, but had only defended himself from the aspersions which had been so unjustly cast upon him? He was ready to say, that his hon. and learned friend had not given any ground for the statement which he was represented to have made. He had followed his hon. and learned friend throughout the distinctions which he had taken respecting the several modes of practice in the court of chancery and of which he complained. The technical knowledge which he possessed of the subject made those distinctions perfectly clear to him; but he was quite aware, that to any but a lawyer's mind they might not appear so clear, and that persons unacquainted with the practice of the court might easily have misapprehended them. To this want of knowledge and not to any desire of misrepresenting what had passed, he attributed the error which had appeared in the newspaper. The noble and learned lord, he admitted, had expressed himself unguardedly, and with considerable warmth and indignation: but it must be remembered, that at the time he did so, he held in his hand the paper containing the statement, and that his animadversions were directed, not against his hon. and learned friend, but against that statement which had for several days remained uncontradicted. When the irritating and degrading nature of the conduct which was imputed to him was recollected, would it be too much to expect that the House should make some allowance for the warmth of the terms in which the noble and learned lord's feelings had been expressed? This was the fair and candid statement of the case; and it did not appear to him, that when the privileges of the House were talked of, reference should not be made to what had taken place fifty or a hundred years ago, when the publication of the debates was not permitted. If the House permitted the publication of its proceedings, if it allowed misrepresentations of what was stated by members to go forth, it was a little too much to be so strict in this instance, in enforcing privilege for intemperate expressions used in the heat of the moment, and which would not have been employed had time for reflection been allowed. As to the present condition of the English Bar, to which his hon. and learned friend who spoke last had referred, when he said that its state was most humble and degraded, he must say, that he differed completely from any man who entertained such an opinion. From his own experience he might say, that at no period was its independence more distinguished—that never had there existed greater freedom of discussion, not only in investigating the merits of cases, but in deciding upon the conduct of judges. Feeling thus, he should have been sorry to have permitted such a remark to pass, without asserting that, as far as his experience went, it was destitute of foundation. The way he submitted the question before the House was shortly and simply this:—A false representation had been made of what fell from the hon. and learned gentleman; that false representation laid a charge of a most serious description against the lord chancellor; that charge was presented to the mind of the lord chancellor on a sudden, who expressed himself warmly and intemperately. If the noble lord's expressions had been, as he thought they were, too warm, still he thought, under the circumstances, that they were not such as should induce the House to support the motion of his hon. and learned friend.

Mr. *Scarlett* begged to explain. He had not said that, it was his opinion that the bar was degraded; he did not think so; but this he would assert, since he had been publicly called upon, that the honour, the independence, and the enlightened state of the bar was attributable to the bar itself, and to the vindication of its own character.

Mr. *Tierney* said:—I had originally no intention of obtruding myself upon the House, but after what has passed, the question seems to me of such immense importance to our most vital rights and privileges, that I should think I disgraced myself if I gave a silent vote, and if I did not state why I think the mode recommended by my hon. and learned friend ought to be supported by every man who hears me. Let us look a little at the real condition of the question. My hon. and learned friend comes down to the House, and makes a complaint against no less a person than the lord chancellor of England: the ground work of that complaint is, that the lord chancellor of England, from the judgment-seat has been pleased to denounce my hon. and learned friend not only in unmeasured, but in gross and calumnious terms. Every member who has spoken is satisfied of the correctness of the statement of my hon. and learned friend, and it is admitted on all hands, that the charge made by the lord chancellor was not supported by the speech really delivered in this House. Nothing can be more agreeable, as far as individual feelings are concerned, than such a vindication, and especially after what has escaped from the lips of the lord chancellor. It is impossible that any man can stand higher than my hon. and learned friend in public estimation. Personally, therefore, he has not the slightest interest in this question. Whatever regard I may feel for him, however warm my friendship—I am persuaded that he can want no more than he has obtained from the general acknowledgment of the House. But, what is to become of the calumniator? What is to be done with the man who so asperses a member of parliament? That is indeed a very material question. The defence set up is of a most extraordinary nature; but, first of all, I may be permitted to remark, that no hon. gentleman, or right hon. gentleman, has said, that he has authority from the lord chancellor to vary a syllable of what he is accused of having uttered. No man has come forward with any apology; and if the lord chancellor were disposed to humble himself before the House and to acknowledge his error, I should think the right hon. secretary for Foreign Affairs would be the last mouthpiece he would select to express his humiliation. For after what has passed, it would indeed be curious to find that he has arrested that right hon. gentleman from his foreign travels, in order to have the benefit of his defence at home. I cannot find that the learned gentlemen who have spoken on the other side, have conferred any weighty obligation upon his lordship. They say that the lord chancellor read a report in a newspaper, which was not founded in fact. This may be true; but it is somewhat extraordinary that this should be, perhaps, the only paper which the lord chancellor, since he has been upon the Bench, did not take home to consider; that this should be the only case in which he has been able to come to an instant decision, and that the suddenness of his determination should be the only point relied upon for his defence. On one night I am called upon in mercy to recollect the past services of the lord chancellor, to make allowances for his amiable hesitating nature, and on another I am told, that I must acquit him of a charge of this serious kind, not because he is a doubting man, but because he is a rash one. This sort of reasoning I cannot understand, but, on such reasoning, rests the only excuse that the noble and learned lord's friends have been able to furnish. Let us look a little to the forms of the House, and see how such matters have been treated on other occasions. I defy any hon. gentleman most acquainted with precedents—I defy even the right hon. President of the Board of Control, patient as he is in his parliamentary researches on points of privilege—to point out any instance when a motion of this sort has been made, where the fact of certain expressions having been used out of doors, with reference to what has passed here, has not been established, before the offending individual has been required to make his excuse. What is proposed by my hon. and learned friend is only first to put us in possession of the facts. Suppose Mr. Farquharson be called to the bar: he is a short-hand writer, whose name I have frequently heard, and I have no doubt that he accurately took down what was said by the lord chancellor. When that is proved, then comes the time for the House to consider whether it will visit this offence on his lordship. The uniform practice has been, that the party complained against shall be heard at the bar, before the House considers at all the matters of mitigation. Can you hear the lord chancellor at the bar? No. Do you mean, then, that you will abstain from vindicating your rights and privileges because the injury comes from so high a quarter that you cannot bring the individual to your bar? If so, it is very clear that your privileges are worse than good for nothing, for you are afraid of asserting them against men in power. I will put the case of any inferior offender—of Mr. Hope, for instance. He was put to the inconvenience of coming up all the way from Edinburgh, and irritation was part of his defence. The House was satisfied by him, at the bar, that he had not acted from any improper motive; that he had not wished to infringe its privileges; and accordingly it let him off, as I think, very easily. Here, however, we are dealing with the lord chancellor of England, and that is to make all the difference—to him this House is to submit as his inferior; and because he is a minister and chancellor, and because the attorney and solicitor-general (who by the way are very apt to have kindly and compassionate feelings towards a lord chancellor) inform us, that the noble and learned lord read the paper hastily, and pronounced upon it rashly, this House is to say nothing about it, and to put up with the affront. I certainly make very great allowances for the state of mind of the noble and learned lord after what has been going on in this House for the last four or five years, even his cool and amiable temper may reasonably have been ruffled by repeated motions, against which I never yet heard any sound argument. Above all, he may have been irritated by the result of the last debate upon his conduct, when his friends found themselves obliged to offer him up as a victim; when they could defend him no longer; and when he was compelled, how reluctantly I need not say, to consent to a commission. It may be well conceived, that this compulsory course produced an irritable state of mind; but that can form no justification. "What would you have him do? he was defending himself, not attacking the hon. member for Calne," says the learned attorney-general. The offence to the House was only incidental, it seems, to his defence of himself; and the noble lord meant only to attack the paper, and not the man whose speech it reported. It seems, too, that the lord chancellor only saw the newspaper for the first time, on the morning when he used this expression. It is quite clear that he does not incur the heavy expense of taking in a newspaper, or he could not have missed reading the speech of my hon. and learned friend on Wednesday, Thursday, or Friday, for the debate on the delays in chancery took place on Tuesday, and the breach of privilege was not committed until the Saturday following. Without saying any thing unkind or disrespectful of the newspaper in question, which generally, I believe, reports faithfully, it will be sufficient for my purpose to say, that the moment the lord chancellor got hold of it, he exclaimed, "This will do; I want no more; I will now go down to my court, and from the bench I will make this attack upon a member of the House of Commons." "Oh," replies the attorney-general, "his lordship meant to attack the newspaper, and not the barrister." What! has a newspaper "a gown upon its back?" When it has, the answer may be a good one; but not till then. I have too high a respect for the learned attorney-general to suppose that he would enter into any thing like so cavilling a defence as to say, that the lord chancellor did not mean to refer to a debate in the House of Commons, or that when he mentioned men "with gowns on their backs," he did not allude to my three hon. and learned friends who took part in the debate of Tuesday night: against them only could the attack be levelled. They are members of this assembly, and it is our duty to protect them against calumny. If the House submits tamely to this insult, never again let us hear a word about privileges. I know it is a difficult matter to decide how we are to hear the lord chancellor in mitigation; but, in some way or other, that must be got over. First of all, this motion must be carried; and on this point I differ from my hon. friends, who think it will be rejected. I am quite sure it must be carried, unless we are to abandon our privileges for ever. When once we have got at the fact, we may pause before we enter into the difficulties of the case. What then is to be done? Can the lord chancellor make an apology on the bench? In many instances we know that where the apology has been as public as the insult, it has been deemed a sufficient satisfaction; but the lord chancellor, consistently with the station he holds, cannot retract: his character in the profession, and in the country, would be ruined for ever if he were compelled to say, "I grossly abused the hon. and learned member for Calne on insufficient grounds; I am sorry for what I have done, and I beg his pardon." This is not to be expected; but something must be done—some excuse must be made, or the House has no plea for not proceeding further. I am sure I mean to treat the lord chancellor with all possible respect; no man admires more than I do the profound research of his mind: I believe him to be a man of unimpeachable integrity; but I do not take him to be a judge who has conferred such endless blessings upon the country, that the privileges of the House are to be thrust aside to make way for his escape. I am willing to pay my tribute to the noble lord's learning and character, but I will take leave to say that his jurisdiction has been so administered for two-and-twenty years, that in common parlance, his court has become a national grievance. I do not impute any bad motives to the lord chancellor, but I state the effect practically: he is now indeed near the end of his career; I mean merely from his advanced age; for otherwise it is impossible to say when his career might end. But, granting him all the good qualities his friends (if indeed they may be called his friends who have spoken in his behalf to-night) ascribe to him, is he to tell this House, "I have read something in a newspaper, I do not know whether it be right or wrong; but without considering what pain I may inflict, whose character or fortune I may ruin, I will say what I think proper, I will use what terms I please with impunity, for I am a lord chancellor of twenty-two years standing?" I might safely appeal to the whole bar, to all the solicitors practising in the court of chancery—whether the greatest possible inconvenience does not result from the dilatory habits of this lord chancellor, who being of twenty-two years standing, has rendered the grievance complained of as old as his own elevation. It is to this that my hon. and learned friend objects, he wishes to remedy the evil: because he wishes to remedy it the lord chancellor abuses him; and because he abuses him, as is said, in a moment of unguarded irritation and rashness, this House is to do nothing for the maintenance of its privileges! My opinion is directly the contrary; and I state it, because I do in my conscience believe, that if this unhappy precedent be established, it will prevent the possibility of our ever exercising our privileges again. Men out of doors will not draw the refined distinctions we are pleased to take here: they will say that we do not mete an equal measure of justice to the great and to the little; that we crouch before the high, and trample upon the low; and that against the lord chancellor of England we dare not assert those rights which we rigidly enforce against a humbler subject of the realm. What course it may be fit to pursue after the first motion has been carried I am not prepared to say; but I implore the House to consider with what face it can make its defence to any man who shall ask out of doors, "why did you, on a complaint, admitted to be well-founded, refuse to go into facts, which would have given you an opportunity of expressing your sense of what is due, not only to the lord chancellor, who has been thus guilty, but to your own privileges and your own independence?" [Cheers.]

Mr. Secretary *Peel* observed, that he was by no means inclined to pursue the course just recommended, namely, for the House to take the first step, and then to meet the difficulties that must inevitably present themselves. It was his opinion, that it would be infinitely better calmly to weigh those difficulties before the House was involved in them. There were here two questions that seemed to have been confounded; first, had there been any breach of the privileges of the House, or such a breach as it was expedient to notice? secondly, had there been any attempt to threaten any member of the learned profession, in order to deter him from the discharge of his duty? The latter appeared to him infinitely the more important; for a breach of privilege was of far less consequence than it would be to consider whether there had been an attack upon the independence of a member of parliament. As to the first question, it was certainly very difficult for any individual to say in how many instances in the day the privileges of the House were infringed. Members themselves were guilty of constant breaches; and within the last two years constant and irregular references had been made to the proceedings in the House of Lords. The grosser offence was avoided by talking of "another place," and of speeches delivered there; but this was a mere evasion; and perhaps it would be much better to make direct allusions, and at once to answer remarks made by the peers, than to resort to this apparently unworthy expedient. It was most material to this discussion, to remember, that the origin of it was a direct breach of privilege, at which the House connived—namely, the publication of its proceedings. It had the power to enforce its orders; but he admitted that it was much wiser to continue the permission, than to put a stop to the practice. There was a balance of evils; but the advantage predominated in favour of the publication of debates. Yet great inconveniences sometimes arose, and the present was a striking and pregnant proof of the mischief. The hon. and learned member had made a speech reflecting on an individual—it was printed next morning, and it was wafted, not only to every district of this kingdom, but to all parts of the world where the English language was understood. The speech contained a charge against the first judge of the land, that he had evaded an act of parliament, in order to disparage another judge, his coadjutor; and a regard to common justice, independent of feelings of wounded honour, induced the lord chancellor to come forward and deny the accusation. On what ground did the House permit the publication of its debates? Because it felt sensible of the immense advantages of free and unrestricted discussion; but, if the publication carried falsehood on the face of it, an opportunity ought surely to be afforded for asserting the truth. If the House enabled false charges to be made—if it promoted their circulation—it never could reconcile with its sense of justice, a refusal to allow the party calumniated an opportunity for vindication. If, with the warm feelings of an Englishman, the party had made use of intemperate language, he (Mr. P.) maintained that the distinction was just, that the lord chancellor had not been guilty of the first attack. Being himself accused, he claimed the ordinary right of being heard in his own defence, and he had declared, "I am not guilty," or, in other words, "It is an utter falsehood." It would be, indeed, the establishment of the grossest tyranny, if calumnious debates were to be published, and no means of refutation were afforded to the party attacked. An hon. and learned gentleman had said, that on his person or his property he might endure an attack, but that his character must be preserved inviolate. The lord chancellor said the same. If his character were assailed, and he had no opportunity of defending himself in the place where it was attacked, he was driven to the press, through the medium of which he was injured, to repel the imputation. The whole question was altered by the connivance at publication; but, when an hon. member printed his own speech, a court of justice drew the distinction: he made himself personally responsible, and must answer for it in damages [hear! from sir F. Burdett]. The hon. baronet might intimate his dissent; but there was a clear distinction between the publication in a newspaper, and the authorised publication by a member. The case of Mr. Hope had been mentioned. Conceiving that his character was attacked, what did he do? He applied to the member whose speech was reported: and that hon. and learned gentleman might very reasonably reply, that he did not feel himself responsible for what appeared in a newspaper. He (Mr. P.) did not wish to dwell upon a topic which must be mingled with painful feelings in the mind of the hon. member; he would therefore only say, that the House had very fitly voted Mr. Hope guilty of a breach of privilege. But what course was pursued with regard to Mr. Menzies? He had not appealed to the hon. and learned member regarding his speech; he found something printed in a newspaper, and, as it was false, he gave it a contradiction through the same channel: the resolution, therefore, was merely, "that Mr. Menzies, having explained his conduct to the satisfaction of the House, he is relieved from further attendance." He would concede that the hon. and learned member for Calne was able, in this case, to prove all he had stated; but the lord chancellor could not be brought to the bar for a breach of privilege, because he had taken upon himself to contradict only what he found reported in a newspaper. The subject was complicated to all but professional men; but it appeared that motions made before the vice-chancellor might be repeated before the lord chancellor, without the signature of counsel; but appeals after decree could not be heard, without that sanction and security. It was easy for a newspaper to make the mistake; one individual, or several, might fall into error in making the report. Newspapers, however, were generally considered the best testimony; and if the point were examined, it would be found, that the speech of the hon. and learned gentleman on Tuesday last, was not correctly given in any of the ordinary vehicles of such intelligence. He implored the House to compare the accusation with the defence. The charge, as it appeared in the newspaper, was, that the lord chancellor, departing from the practice of his court, had violated an act of parliament passed in 1813; when the fact was, that in that act there was not a syllable regarding the signature of counsel to appeals. Confirmed, however, as this statement was by other newspapers, was it not natural for the lord chancellor to take an opportunity of setting himself right? Was it not under such circumstances, he would not say necessary, but natural, for the lord chancellor to refute such an imputation? And in what way had he done it? These were his words—"That as it had been represented, that the person who sat here did mischief, by hearing certain motions without the signature of counsel,—that was to say, when motions had been made to discharge an order of the vice-chancellor, or the Master of the Rolls, that such motions had been brought on without the signature of counsel,—he had only to state, that having been in this court since 1778, whenever a motion had been made before the Master of the Rolls, which he had refused to allow, or which he did allow, and upon an application to the chancellor to vary what the Master of the Rolls had done, or to destroy it altogether; and so again, whenever a motion had been made before the vice-chancellor, and counsel had been of opinion that the motion had been improperly granted or discharged, the party had always, in all those cases, been at liberty to move again, with a view to set the matter right; and if the signature of counsel were necessary to alter the practice of the court as it had obtained since the period he had mentioned, all he could say was, that he had not a right to tax the king's subjects in that way." Could any thing be more moderate than the concluding remark of the sentence which he had just read? So far, there could be nothing more temperate. Could common flesh and blood bear an imputation of the nature alluded to, without resistance? The publication of any speech delivered in that House was technically a breach of privilege; but the practice, however informal, prevailed; and often became the subject of reference. Was it not the practice of judges to protect from misrepresentation the proceedings of their courts? He knew that lord Hardwicke, upon pronouncing a particular decision, had unequivocally declared, that it was one of the chief duties of a judge not to allow his judicial proceedings to be misconstrued. He had said that there was no one duty more important in a court of justice, than to have its proceedings set right with the world. The next sentence in the speech of the lord chancellor to set himself right, was that of which the hon. and learned gentleman principally complained: it was this—"with respect to appeals and rehearings, it was supposed that he had heard them on new evidence, and thereby brought discredit on some part of the court. It was an utter falsehood." Now, with reference to that sentence, he entered entirely into the feelings of the hon. and learned gentleman, and agreed that the reflection could not possibly attach to him; but the question he would ask, was, did any of these terms constitute in themselves a breach of privilege? He was not prepared to say, that the terms used were fit and temperate; but he contended, that this strong and vehement denial of a charge did not constitute a breach of privilege. He knew that technically any allusion to speeches, delivered within the walls of parliament was a breach of privilege; but he again insisted, that strong terms of denial, under whatever excitement, did not on that account constitute a parliamentary offence. Suppose the noble and learned lord, instead of using the phrase "utter falsehood," had said "extremely erroneous;" in that case, he was quite sure they would never have heard of the present motion. No doubt the expression was entirely misapplied when it was pointed at the hon. and learned gentleman, and could only have been intended against the newspaper report of his speech. Nothing could be more moderate or temperate than the words which followed from the lord chancellor, who said, that in "rehearings, it was always competent to read the evidence given in the cause, though it was not read in the court below, either by the counsel or the judge: further than that, the court did not go. On appeals, it only read what had been read in the court below, and that practice he had never departed from in any one instance." But then came the following two or three lines which were objected to—"therefore, really before things were so represented, particularly by gentlemen with gowns on their backs, they should at least take care to be accurate, for it was their business to be so." He (Mr. P.) fully admitted, that that was not the way to allude to gentlemen of pre-eminence in their profession, and he was quite persuaded, that his noble and learned friend would not have used the objectionable words, had not he been at the instant under great irritation from the imputation which he supposed had been levelled at him. The terms "with gowns on their backs," were not meant to convey any personal reflection—they amounted merely to a professional designation of the *togati*, which was the costume of the courts. He was sure, then, that there was nothing in the particular expressions, which clearly were the emanation from excited and irritated feelings, that called for the interposition of the arm of parliament upon a question of privilege.—As to the supposition, that the lord chancellor could have had any deliberate intention of intimidating a member of that House from the discharge of his duty, this would undoubtedly be an offence of ten-fold greater magnitude; but he was sure the House would be perfectly satisfied that no such intention existed. Indeed, the hon. and learned member for Peterborough (Mr. Scarlett), who was so distinguished an ornament of the court of King's-bench, though he had taken a decided part in that House in questions affecting the court of Chancery, had still declared, that he had been uniformly treated by the chancellor with the greatest justice, impartiality, and even personal courtesy. If the chancellor had intended to select a particular part of the discussion which had taken place on Tuesday, as the subject of animadversion, he would put it to the House whether it was probable that he would have selected the speech of the hon. and learned member for Calne? He was quite satisfied that there existed no intention of throwing any imputation on that hon. and learned member, and though undoubtedly some strong expressions fell from the chancellor in a moment of irritated feeling, he felt the strongest conviction, that there existed no deliberate intention of invading the privileges of that House, and still less of holding out a threat against any member, with a view of intimidating him in the discharge of his parliamentary duties. If the House considered that he had succeeded in establishing these two propositions; first, that the terms used by the chancellor did not of themselves constitute a breach of privilege; and secondly, that he had no deliberate intention of intimidating a member of that House from the discharge of his duty, he trusted that these considerations would prevent them from adopting the course recommended by the right hon. gentleman opposite (Mr. Tierney), a course which he himself admitted abounded with difficulties, not one of which he had attempted to solve.

Mr. *Tierney* observed, in explanation, that he had not stated that there was any difficulty as to the course which the House ought now to pursue. On the contrary, there could be no doubt of the propriety of acceding to the present motion; leaving for future consideration what course the House should afterwards take; which would be contingent on the nature of the apology made by the chancellor.

Sir *James Mackintosh* said:—I can assure the House, that I shall, for my own sake, trespass for as short a time as possible upon their attention, for I rise at no small personal inconvenience; but I cannot refrain from making a few observations on a question, which is undoubtedly one of vital importance, convinced as I feel that the rejection of the present motion would be one of the most fatal blows that was ever struck at the privileges of the House of Commons, and through them, at the constitution of parliament. The right hon. Secretary, after the manner of a practised logician has raised inferences from the motion which it by no means warrants, when fairly and rationally considered. The motion now under consideration is, in plain terms, whether we shall receive the accessary evidence to establish the alleged fact of a breach of the privileges of this House, aggravated by a false charge against one of its members. I do not charge the chancellor with any intention of intimidating the gentlemen of the bar, or of deterring any individual member of the profession from the performance of his duty, by holding out threats delivered from the judgment-seat, which may have a tendency to influence the conduct of such members of the profession as have likewise seats in this House. Undoubtedly, such an intention would be a great aggravation of the breach of the privileges of this House; and I agree with my hon. and learned friend in thinking, that the House is bound to inquire, in justice to the character of that profession, which would be tarnished and degraded by the rejection of this motion. If the House refuse to inquire into the charge now made against the Lord Chancellor of England, they will cast a stigma upon that profession of which I had once the honour to be an humble member, and the members of which ought for ever to be excluded from this House, if they are to be placed in a state of miserable and precarious dependence on the judges of the courts. There is a charge of further aggravation of the breach of the privileges of this House, which is one of the greatest magnitude. What was the nature of the debate which gave rise to the present discussion? An inquiry into the constitution and administration of the court of Chancery, and the functions of the judge who presides over it. This House, in the exercise of one of its highest and most important duties, was engaged in the inquiry, whether justice was duly administered in one of the greatest courts in the kingdom, and the judge of that very court which was the subject of inquiry, takes an opportunity of arraigning, on the judgment seat, in precipitate, violent, and coarse, language, the conduct of a member of parliament, who, in the discharge of his public duties, participated in that debate. If this is to be endured, the standing orders of the grand committee of Justice, which for centuries have formed a part of the functions and privileges of this House, ought to be erased from our Journals. They will be a satire on our proceedings; they will remain only as land-marks to shew how we have degenerated from our forefathers, who regarded them as an essential part of the constitution, and who considered their maintenance a fundamental part of their duty. The right hon. gentleman who spoke last has carried one argument to a most extraordinary length. It was wisely declared, that that permanent breach of our privileges which is committed by the publication of our debates, is one which ought to be connived at. In that opinion I freely concur, and I agree, that there should be modifications of our treatment of breaches of privilege arising out of this tolerated breach of privilege. I cannot, however, admit the inference which the right hon. gentleman, with all the dexterity of a practised logician, drew from this argument; namely, that because we tolerate the publication of our debates, we must, therefore tolerate every kind of attack on a member of this House, however false and calumnious, which may be made in consequence of the statements in some publication of our debates, especially that most dangerous of all attacks, an attack made by a Judge sitting in his own court of justice, on a member of this House; an attack made by one of the king's ministers on a member of this House for exercising a constitutional jealousy as to his conduct. It has been said, that Mr. Menzies very properly distinguished between what was said by a member of this House, and what he was stated to have said in the newspapers; but this is a distinction to which the chancellor of England has paid no attention.

The chancellor of England does not pay the House the slender compliment of making this distinction; but he proceeds at once to attack a member of this House, for what he is reported to have said in a single newspaper. It is in vain to argue, that the offensive language was exclusively intended to reflect upon the newspaper. The newspaper wore no gown upon its back, the newspaper did not practise in the court, and was no minister of the law; but the individual member did wear a gown, did so practise, and was therefore the person against whom the attack was manifestly directed. But, said the right hon. gentleman, "Would you be so cruel as to deny to a public functionary who is misrepresented the right of self-vindication?" God forbid I should deny any man that inherent right, I would allow such a man every means of vindication; but, is it too much to require of him first to ascertain from the party who could best give him the information, what was the real charge of which he thought he had been made the object, before he took all he had read for granted, and imputed falsehood, and wilful falsehood, to a man of honour, of principle, and of character? Suppose in private life, that such an occurrence had taken place—would it not be thought unfair, and imprudent, for a gentleman at once, upon a mere unauthorized statement, to assume the whole to be a fact, and to proceed to the last extremity (for what else is the imputation of utter falsehood?) without ascertaining from the party what foundation there was for the charge, through the medium of some common friend, or through any other channel of communication or intercourse in the routine of society? by this mode of precipitating offence, there was no opportunity afforded to a party of justifying his character, or explaining his conduct. The right hon. gentleman has spent six years in a country allowed to be remarkably sensitive upon points of honour, and forward in resenting insult; and is he prepared to say, that he would justify in a raw boy, who had just been emancipated from the discipline of his college, the same violence and precipitancy which he now justified in the lord chancellor? The right hon. gentleman opposite had asked, where could the lord chancellor vindicate himself? I answer any where but on the judgment seat—any where but in a place where all equality is removed, where not only the party accused is absent, but where none who are present can venture to dispute or discuss the allegations of the accuser. Where could he vindicate himself? Why, in his place in another house of parliament, or through his friends in this. Is the lord chancellor of England so feeble, so defenceless, so helpless, that he has no voice to raise in his defence? He has a powerful and an eloquent voice. Has the lord chancellor of England no friends in this House? He has many who are attached to him by the ties of gratitude, and who are ready to defend him against any charges which may be made against him. The hon. and learned gentleman, the solicitor-general, has introduced a very ingenious argument in extenuation of the conduct of the chancellor. In fact, all that has been stated in his favour amounts to nothing more than extenuation. Now, I must say that topics of extenuation are introduced at a most unseasonable stage of this proceeding. Extenuation affords no argument against inquiry; extenuation may be a reason against severity of judgment, it may be a reason against any judgment at all, the merits of the individual may be taken into consideration, and prevent us from passing any judgment. Whether the merits of lord Eldon are of this description I do not now inquire; but I do say, that the pleas of mitigation that have been alleged on the other side of the House are introduced most unseasonably, as bars to inquiry. The right hon. and learned gentleman seemed to think, that the lord chancellor was justified in the course which he had pursued, because his hon. and learned friend did not, on the morning after a late debate, and while he was probably absorbed in his professional occupations, collect, collate, and compare, with critical accuracy, the reports published in all the morning papers of his speech on the previous night in the House of Commons, and at the moment point out which part was right and which was wrong. This is a most extraordinary requisition for one member of parliament to make of another, and certainly is not the way in which such a case as this ought to be met within the walls of the House of Commons. But, if there be any weight in this argument, how cruel a condemnation does it involve of the conduct of the lord chancellor! If my hon. and learned friend was bound to read all the newspapers to ascertain the accuracy of their reports, how much more imperative upon the lord chancellor was it, to read them, in order to see whether he might not have been misled by the inaccuracy of one of them, before he proceeded to pronounce sentence on my hon. and learned friend! The true question in this case is this: Is there any member of this House who can deny that a breach of our privileges has been committed? None. Is there any member of this House who can deny that a false charge has been made against my hon. and learned friend? None. Is there any member of this House who can deny that such a charge, pronounced by the highest judge in this country, from the judgment-seat of his own court, is an attack on the independence of the bar, tending to influence the honest exertions of such members of the profession as may have seats in this House? None. I will venture to say, that no member of this House will deny any one of these three propositions; and I ask, therefore, with what propriety or consistency can this House declare, that we ought not to inquire into the circumstances of this aggravated breach of our privileges? The offence is admitted, but the right hon. gentleman opposite says we ought not to inquire. And why? Because the person charged is the lord high chancellor of England, though the language he used referred to an inquiry carried on in this House into the constitution and administration of the court over which he presided; and though that language was calculated to deter the only persons possessed of competent information, as to the constitution of the court of Chancery, from communicating that information to the House. The conduct of the lord chancellor on this occasion had a direct tendency to render it impossible for this House to discharge some of its highest and most important constitutional functions. The House of Commons has been engaged in struggles of various kinds, for many hundred years; it has been engaged in struggles with the Crown, which have sometimes been carried beyond due bounds, but which upon the whole, have been conducted with a spirit and an energy which have succeeded in securing to us the blessings of a free constitution—which have ended in the security and ultimate happiness of the people. But, in the whole course of these struggles, never yet has there been an instance of any magistrate, in any court of justice, so presumptuous and daring, as to arraign a member of the House of Commons for a speech delivered in the course of a parliamentary inquiry into the conduct of that magistrate [Hear, hear!]. If the House be ready to abdicate its functions altogether—if it be prepared to abandon all inquiry into the abuses of courts of justice, then, indeed, ought this motion to be rejected. It has been said, and said most truly, that my hon. and learned friend will continue to discharge his duty fearlessly and independently, both in this House and in the courts of justice, regarding but little the approbation or disapprobation of the lord chancellor. But it cannot be hence inferred that the conduct of the lord chancellor will have no effect on the independence of the bar. When we consider the multitude of young men of talents rising at the bar, who are still in a state of obscurity, struggling perhaps with adversity, and depressed by poverty, it cannot be denied that the conduct of the lord chancellor is calculated to have a lamentable effect on their integrity and independence. Instead of being the intrepid champions and zealous preservers of the liberties of their country—the proudest distinction to which a lawyer can aspire—the conduct of the chancellor is calculated to check their rising energies—to repress all generous exertion—to produce a servile, obsequious bar, of which the members most distinguished for their baseness may in time degrade the bench by becoming fit instruments in the hands of power to oppress their countrymen, and destroy the free constitution of England [hear, hear!].

Mr. *Wynn* said, that whatever difference of opinion might prevail in their view of the result of this motion, there was one point upon which they were all agreed; namely, that nothing had been said by the hon. and learned gentleman to justify the comments which had been made on his speech; but he nevertheless felt that if what was said did not justify the language which it had afterwards called forth, the misrepresentation of it certainly went some way in excusing those comments. He had long attended to questions of breach of privilege in that House, and he could not class the present case among that number. He was aware that he should be exposed to the imputation of having diminished his zeal for the maintenance of their rights and privileges;

but he reminded the House of his uniform and expressed anxiety to secure the permanent enjoyment of those rights and privileges, by setting due bounds to their exercise, and taking care not to extend them to cases which were never intended for their application. That they were bound to maintain the fullest freedom of debate in the House of Commons, was a position which could not be called in question; but he could not hold, that the same principle of indemnity was to be extended to every representation of what was said to have fallen from them which persons out of doors should publish and circulate throughout the world. It was precisely with these feelings that, in the case of an hon. member (Mr. Creevey), who was convicted of publishing elsewhere a speech which he had delivered in his place in that House, he was one of those who induced the House to determine, almost by an unanimous vote, that that conviction was not a breach of their privileges. The highest constitutional authorities were with him upon that doctrine; and he remembered Mr. Fox to have once said, that although he might feel it his duty to employ language in that House, in the use of which his privilege would protect him, yet he could also think, that if any printer dared afterwards to publish that language, he would by so doing render himself a fit object for prosecution. It was true, that the lord chancellor might, in the present case, have instituted a prosecution against the printer of the newspaper; but, would that have been a wise and dignified mode of proceeding? On the face of the language attributed by way of reply to the noble and learned lord, there was a manifest qualification: he began by saying, "It has been represented." He did not say where, or by whom; there was no direct personal allusion to any hon. member, still less was any desire avowed to touch any of their acknowledged privileges. If the chancellor had said, that he only commented on what was stated to have fallen from the hon. and learned gentleman opposite, he would venture to say that no member of that House would have treated the expression as a breach of privilege. Would the House, then, consider this a breach of privilege, merely because the chancellor had made this trifling omission? It had been said, that an attack was made by the chancellor on a member of that House, for delivering his sentiments during a parliamentary inquiry into his conduct. Now, this was not a fair view of the question. It was not an attack, but a defence made by the chancellor against an imputation which he supposed to have been cast on his own conduct. Surely it was competent to any individual to repel a false charge; and the chancellor seeing it stated in a newspaper, that he had been charged with evading an act of parliament had declared it to be an utter falsehood. This might be thought an intemperate way of contradicting the charge: the noble and learned lord might have used more dignified, and measured language; but, could any man lay his hand on his heart, and say, that this flimsy distinction furnished a ground for treating the expressions as a breach of privilege? Even supposing the words to have been uttered, he was distinctly of opinion, that it would not be proper to inquire in that House, whether they had been uttered or not, and he should therefore vote against all inquiry. The right hon. gentleman opposite had said, that what should ultimately be done, was one question, and that would be hereafter disposed of; but that what was now to be done was another and a distinct one. The fact, however was, that it was the same question; for if this motion were agreed to, they must examine witnesses and go into evidence at their bar, in order to inquire whether the words attributed to the noble and learned lord were ever uttered by him? And to this preliminary inquiry to be made as to whether the words had been so uttered he could not consent. Where was the *corpus delicti* in this case? Were the House to inquire who had committed an offence, before they had ascertained whether an offence had been committed? Would they put any man upon his trial for any offence, if the case should be that what had been done by the individual was in truth no offence at all? The hon. and learned member for Peterborough had discovered a singular mode of acting, which he thought ought to have been adopted by the noble person in question, but, which to him (Mr. Wynn) did appear the very oddest, and the most objectionable, that could have been suggested. His hon. and learned friend thought, that the lord chancellor, upon seeing the offensive matter that had been attributed to the hon. and learned member for Calne, ought to have sent for that hon. and learned gentleman, a member of his own bar and have asked him, whether he had used the terms that he was represented to have used. Why, had such a course been adopted, had such a message been sent to the hon. and learned gentleman—he himself would have been the first to protest, that it was the strangest proposition in the world. Was it ever before heard of, that a lord chancellor should send for any honourable member of that House, and ask him out of it, whether he had used such and such words in parliament? Had such a question been put to the hon. and learned member for Calne, and by him answered, the hon. and learned gentleman would himself have been liable to a vote of censure, for having given the explanation required by the lord chancellor. Without any reference to forms or cases, he was quite convinced, that no case could be produced, in which a simple denial by an individual, of a charge that had appeared against him in public, and had been circulated to all corners of the empire a simple assertion that that charge was false, had ever been considered as a fit subject for the exercise of the privileges of that House. He would conclude, by expressing his conviction, that if ever the House should think fit to inquire what words, in a case of this nature, had been used, it would inflict the greatest wound upon those privileges and upon the dignity of parliament that they could possibly sustain.

Mr. *Scarlett*, in explanation, observed that what he had said was, that it would have been natural to expect that the lord chancellor should have sent, in a private and confidential manner, for the hon. and learned member, and have asked him, whether he could have uttered the words attributed to him, as they seemed most extraordinary in the mouth of any one acquainted with the practice of the Chancery court.

Mr. *W. Williams* confessed that, generally speaking, he was not very friendly to the vigorous exertion and enforcement of the privileges of that House; and, during the time he had had the honour of a seat in parliament, he had witnessed several instances in which he thought they had been so exerted, under circumstances of considerable injustice to individuals. But in this case, the question was, not so much whether the House would enforce its privileges, as whether, when a grave charge was made against one of its members by an individual holding the highest judicial situation in the country, the House would not inquire, whether or no a breach of those privileges had been committed? To him it seemed perfectly clear, that if the House meant to act consistently with its former proceedings in matters of privilege, it must accede to the vote which they were now called upon to give. And this seemed the more eligible course, because it would give the high personage in question an opportunity of coming down to-morrow, and of stating through some friend of his, that in what he had said he intended no attack upon any individual member of that House. If such a message should be sent to the House through the mouth of some friend of the lord chancellor to-morrow, after the question now proposed for the calling witnesses to their bar should have been carried, and when the House would be prepared to go into their evidence, he (Mr. W.) would certainly vote against any further proceedings in the business. But in the mean time, unless they meant to surrender every privilege of the House of Commons, they could not, he thought, stop where they now were. He did not, on the present occasion, mean to enter at all into the merits of the case before the House; because that would be to prejudge the question which they might afterwards have a more proper opportunity to determine. All that he, as an humble individual in that House, was at present qualified to say was, that a grave and serious charge had been made against one of its members, of having preferred a false accusation against a distinguished personage. Now, unless they were prepared to surrender to every man in the country the right and power of animadverting upon their proceedings in that House, in any way that might seem meet to him, he could not help thinking that they ought not to overlook such an attack upon one of their body, merely because it proceeded from so high a quarter. He had that night heard a right hon. gentleman opposite, whom he was accustomed to hear on all subjects with pleasure, with great surprise and concern. He certainly had not expected to hear that right hon. gentleman, while he opposed the motion, enforcing, upon general principles, the privileges of this House, to a degree that seemed inconsistent with the constitution. For his own part, though unfriendly in general to their enforcement, he should not be wanting to support such a measure on an occasion where he thought the House bound to assert its privileges. And if ever such an occasion offered, it was when an imputation of this nature was cast upon an hon. and learned member to whose character it was impossible to do too much honour, and which character rendered him incapable of advancing any thing that could warrant the charge of falsehood. If they put a negative upon this motion, they would at once surrender every privilege of the House. If, on the other hand, they agreed to it, and if the lord chancellor to-morrow, as a man of honour who had acted upon the irritation of the moment, or supposing himself to have been made the object of a false accusation, should send, through some friend of his, a message to the House, declaring he had acted on his feelings, and was sorry for what had occurred, he should think that what was due to the character of the House had been obtained, and that they would not be justified, in that event, in taking any further steps. Until this should be done, however, he was for the measure that had been recommended by the hon. gentlemen near him.

Mr. *Abercromby*, in reply, said, he should detain the House but for a very few moments. It was, indeed, unnecessary for him to do so, after the candid manner in which hon. members opposite had added their suffrages to those of his hon. friends, in expressing their conviction, that nothing which had been said by him, in the discharge of his duty as a member of that House, ought to have exposed him to the animadversions which had been made on his conduct. The paper in question undoubtedly did not contain a true report of what had been said by him in his place. With respect to the course which the House ought now to pursue, it would be for the House itself to determine. He should only beg leave to state the grounds on which he had acted in bringing forward, with as much impartiality as possible, a question in which he felt so deep a personal interest. It was obvious in the first place, that he might have taken a course which was not without precedent, namely, that of treating this as a transaction in which he himself was alone interested. But he felt that it would be impossible to bring the case before the House without considering it as one in which its own privileges were involved; and in taking this view of it, he was influenced by another consideration, which operated strongly upon him namely, the duty which he owed to the profession of which he had the honour to be a member. He had taken the advice of those in whose judgment and experience he could best confide, who had recommended the course which they deemed most fit to be adopted. He had adopted that course and suggested it to the House; and he was still of opinion, that it was a judicious and a prudent course. He should, however, make no observation in support of it, but leave it to the House to decide upon it.

The House divided: Ayes 102. Noes 151. Majority against Mr. Abercromby's motion 49.

List of the Minority.

Allen, J. H.
Althorp, visc.
Acland, sir T.
Baring, Alex.
Baring, sir T.
Bennet, hon. H. G.
Benyon, B.
Bernal, R.
Birch, J.
Brougham, H.
Browne Dom.
Bright, H.
Calcraft, J.
Calcraft, J. H.
Campbell, hon. G. P.
Calvert, C.
Cavendish, C.
Cavendish, H.
Chaloner, R.
Clifton, visc.
Coffin, sir I.
Creevey, T.
Crompton, S.
Curwen, J. C.
Davies, T. H.
Denison, W.
Denison, E.
Denman, T.
Davenport, D.
Ellis, E.
Evans, W.
Ellis, hon. G. A.
Farrand, R.
Grattan, J.
Grenfell, P.
Guise, sir B. W.
Gordon, R.
Haldimand, W.
Hamilton, lord A.
Heathcote, J. G.
Heron, sir R.
Honywood, W. P.
Hume, J.
Hurst, R.
Hutchinson, hon. C. H.
James, W.
Ingilby, sir W.
Kennedy, T, F.
Lamb, hon. G.
Leycester, R.
Lushington, S.
Leader, W.
Maberly, J.
Mackintosh, sir J.
Martin, J.
Milton, visc.
Moore, P.
Newman, R. W.
Newport, sir J.
Ord, W.
Palmer, C.
Philips, G. H.
Price, R.
Poyntz, W. S.
Portman, E. B.
Ramsden, J. C.
Rice, T. S.
Robarts, A.
Robarts, G.
Robinson, sir G.
Rowley, sir W.
Rumbold, C. E.
Rickford, W.
Scarlett, J.
Sefton, earl of
Stanley, lord
Stanley, hon. E.
Staunton, sir G.
Smith, R.
Smith, W.
Smith, J.
Smith, G.
Smith, S.
Smith, A.
Stuart, lord J.
Sykes, D
Tremayne, S. H.
Taylor, C.
Tennyson, C.
Tierney, rt. hon. G.

Tulk, C. A.
Warre, J. A.
Webb, E.
Western, C. C.
Whitbread, S. C.
Whitbread, W.
Williams, W.
Wilson, sir R.
Wilson, T. C.
Wood, M.
Wyvill, M.
Wrottesley, sir John
Wilberforce, W.

TELLERS.

Abercromby, hon. J.
Duncannon, vics.

PUBLIC BUILDINGS IN WESTMINSTER—PALACES, &c.] The House having resolved itself into a committee of supply, Mr. Herries moved "That 40,000*l.* be granted to defray the expences of Works and repairs of Public Buildings, for the year 1814."

Mr. *Bankes* said, that in this vote he observed that some of the repairs now going on in the neighbourhood of the House were included. He apprehended that the works at the House of Lords with the new avenue, were also included in it. Now he could not help taking notice, on this occasion, of the very unsatisfactory manner in which these alterations had been performed. He wished, before the House came to the vote, to have an opportunity of knowing what further was to be done in respect of them; and particularly how far the work of destruction of those ancient and venerable monuments of art, that once surrounded the House of Lords and the parts adjacent, was intended to be carried? He was very sure that had the House, last session, been aware of the mischief that was to be done, they never would have sanctioned the proceedings of those, who had demolished so much of the remains of the most interesting edifices. He himself had been a witness of the demolition of a part of that old palace at Westminster, near the House of Lords, anciently called the Prince's chamber,—a fabric, the side of which was now converted into something that he would not mention; but that was not excuseable upon the ground even of being necessary; yet these were ruins, the interest of which was connected with a period of some antiquity and of much celebrity. The palace was of a time not later, he was sure, than the reign of Edward III. It was quite unnecessary to destroy this very curious relic; because, without interfering with any design that had been in unison with it, it would have been perfectly easy to underprop what remained of the building. He was also desirous to know what had been the expenses already incurred in that very strange and anomalous building which was intended for the avenue of his Majesty in his entrance to the House of Lords. This erection not only obstructed the space that was necessary for the carriages of peers and members of parliament, but was a thing of such strange and absurd proportions, that it was impossible to look at it without a feeling of disgust. He should therefore take the liberty of moving, for an account of the expenses incurred in the repairs of the ancient buildings in and about the House of Lords, and of the sums expended, with a profusion and waste of public money, upon that which was neither more nor less than a violation of the national taste. When the committee came to the item relative to the courts of justice, he should have another opportunity of calling their attention to a similar subject. He had no wish to interrupt the necessary works going on, by an inconvenient proposition; but he was anxious to see the accounts he had spoken of.

Mr. *Grey Bennet* said, he would support the motion of the member for Corfe Castle. For his own part, he wished the hon. Secretary would inform the committee who the architect was, in order that the public might know whom to avoid. While he wished that they might not again run the risk of wasting so much money, and of decidedly violating every thing like taste, he was equally anxious to know who they were, who had overlooked the plans for these alterations, in order that such supervisors might not be put again in requisition.

Mr. *Herries* said, that there was an account of expenses at present incurred in these public works, amounting to 10,800*l.*, which should be furnished forthwith.

Mr. *G. Bennet* said, he was still uninformed who was the architect, and who the members of the committee of taste, at the time when his plans were furnished.

The *Chancellor of the Exchequer* confessed that he was not all surprised that this subject should have attracted the attention of the House. He did think it necessary that some alteration should take place in the system upon which these works were carried on. The answer to the hon. member for Shrewsbury must be what his hon. friend anticipated in asking the question; the architect was Mr. Soane; the authority under which these alterations had taken place, was the Board of Works; and he thought it very desirable that henceforward the public responsibility for all works of this kind should be vested in the Treasury. The fact was, that at present the Treasury was not responsible for these matters, and of course could not control the high notions which the architect or the Board of Works might have formed of the taste in which buildings of this kind should be erected. He conceived the proper duty of the Board of Works to be to take care that the old public works should be kept in repair, and that proper materials should be provided for the new ones. He would endeavour to frame some system upon which there should be in that House some officer like himself, responsible for what occurred in his department, and upon which the whole power might be vested in the Treasury.

Mr. *Tennyson* observed, that the buildings of the old palace at Westminster were almost sacred in this country, as the birth-place or abode of our early kings and princes. The hon. member for Corfe Castle had well remarked, that they seemed all now devoted to destruction. It might be necessary to remove some part to make room for the new buildings carrying on in the vicinity; but what had become of the painted chamber, about the beauty of which so much had been said? What was the character of the building raised in its place? Could any thing be more incongruous, or more inconsistent? He understood it was also the intention to remove the House of Lords; which, by the by, was about the very finest room in London. But in what taste was it proposed to rebuild the House?—In the Gothic; or the Grecian? The hon. gentleman animadverted in strong terms on the incongruous absurdities that were manifested in the modern additions of mongrel architecture evinced in the new entrance to the House of Lords, and expressed his obligations to the hon. member for Corfe Castle for bringing forward the matter.

Mr. *Hume* spoke of the condition of the Record-office behind Abingdon-street. Having occasion last session to consult some records, he found it impossible to decipher them, such was their damp and neglected state. It was true the building was fire-proof; but the access to it was singularly inconvenient. Himself and his friends were obliged to go, in single file, up a narrow staircase, between walls that were seven feet in thickness, but little calculated for the purposes of facility or convenience. He hoped the chancellor of the Exchequer would pay some attention to the subject, and consider what plan could be adopted to remedy the defects which he had pointed out.

Mr. *Croker* agreed with his right hon. friend, that there ought to be a responsible person in that House, answerable as well for the plan as for the execution of all great national works. It was not merely the expense which must attend this or any other work, nor its inapplicability to the purpose for which it was erected, but also the disgrace which it might reflect on the national taste, that ought to be considered by parliament. Taking this view of the subject, he had always thought that the discretion would be best lodged with the Treasury; and he was glad to find that his right hon. friend was of the same opinion. He was certain that, when they saw there was a real control over the erection of public works; when they saw that a system of good taste was adhered to; the people would no longer allow themselves to be charged, as had hitherto been the case, with niggardliness in granting sufficient funds for the construction of necessary public buildings, because they would not wish to sanction the formation of a structure that would only be a monument of their own disgrace. He had seen it stated in the newspapers, that that fine ancient edifice, the painted chamber, was about to be taken down, that building which five hundred years ago was denominated *perillustre* in every part of Europe and which had ever been viewed as the most perfect and beautiful specimen of art which that day afforded. It was the oldest of our national works, and united within itself the grandeur of architecture with the elegance of painting. He should feel a very great degree of regret if this building which, five hundred years ago had been celebrated in Europe, should now be consigned to destruction. He understood from a gentleman in all respects calculated to give an opinion on the subject, that the state of the paintings and buildings was perfectly surprising—that the walls were as firm as if only built yesterday. It would give him the greatest pain if this ancient building were pulled down for the purpose of erecting one of those modern *gew-gaws* which were raised in a month, and disappeared almost as soon. He should be exceedingly rejoiced if he heard from his right hon. friend, that no consent would be given to the destruction of this ancient building, unless some better reasons than any which he had yet heard were adduced in support of that proceeding.

Mr. *Hume* inquired whether, in the estimate now before the committee, the expenditure for the repairs of St. James's Palace was included?

Mr. *Herries* answered, that the expenditure referred to was not included in that estimate.

Sir *J. Mackintosh* said, that the system of undistinguishing destruction with respect to ancient royal palaces, andother venerable buildings, which had been so prevalent of late years was not in unison with the feelings and sentiments of Englishmen, and had certainly been carried a great deal too far. The most venerable remains of antiquity had been removed with very little regret or consideration. The palace of Westminster was of very great antiquity, and ought to be held in peculiar reverence, in consequence of the scenes which, in former times, had taken place in it. It was there that the constitution of this country was finally settled. It ought, not therefore, to be touched. The pulling down of buildings which had been the scene of such important and interesting transactions was almost sacrilegious. It tended to destroy national feeling and moral sentiment. It was calculated to weaken that due veneration which ought to be cherished for what had been so well done by our ancestors, and which had been left by them as a sacred legacy to their posterity. For upwards of three hundred years the conferences between the two Houses of Parliament had been held in the painted chamber; and he should greatly lament if any profane hand were suffered to pull it down. He could not help adverting to the new building which now showed its front so impudently in the face of Westminster Abbey. That building was called Grecian—for no other reason that he could conceive, but that it was not English, it was not national so it had been denominated Grecian. He only regretted, if a necessity existed for the erection of the new courts, that it should have been carried to the north entrance of Westminster-hall, which had been so well restored, but which was now disgraced and deformed by the contiguity of the new structure. As an hon. friend observed to him, that building, if it were Grecian, must be of the Bœotian order. He, however, instead of calling it Grecian, must denominate it most barbarous.

Mr. *Herries* observed, that the vote now before the committee had nothing to do with the royal palace of St. James's, a charge on the civil list of 40,000*l.* being applicable to repairs making in that quarter.

Mr. *Hume* thought that, looking at the state of those buildings, it would be better to pull down the whole of them and erect a new palace. We ought to have a palace suitable to the dignity of the monarch of this country, instead of suffering ourselves to be laughed at by every state in Europe, for not having a building fit for a royal residence. The most petty sovereigns abroad were possessed of much finer buildings in every respect, than those in which our sovereign was lodged. It would be much better to take down St. James's palace, than to squander away large sums in tasteless repairs.

The *Chancellor of the Exchequer* said, that as to the palace of St. James, he could not see that the repairs ought to occasion any reproach for want of taste, since the national character of that building had been entirely preserved; and he thought that what had been done would be found of material advantage to the public, so far as they were concerned; and doubtless they were concerned in having a proper access to the royal palace. He agreed in what had been said on the subject of royal palaces in town. He admitted that there was not a royal residence in London at all commensurate with the wealth of the country, or the dignity of the monarch. The hon. gentleman must, however, be aware, that to build a palace on a commensurate scale of magnificence, would create a very great expense. Besides, it should be recollected, that the alterations at St. James's had been commenced under circumstances extremely different from those which prevailed at the present moment. He apprehended, that if, two years ago, a million, or a million and a half, had been demanded for the erection of a palace, such a proposition would not have been received with any great degree of approbation.

Colonel *Davies* did not think the alteration was a good one. St. James's palace looked more like an almshouse than a kingly residence, and was a disgrace to the country.

Sir *T. Baring* said, they had a great number of palaces, many of which might be pulled down with advantage. They had St. James's palace, Hampton-court palace, Buckingham-house, Kew-palace, Kensington-palace and at Brighton they had a building he knew not what to call it, but he believed it was sometimes styled the Kremlin. Now, instead of voting 300,000*l.*, for Windsor-palace and 40,000*l.* for repairs in public buildings, it would be much better to dispose of the ground on which St. James's palace stood and with the produce they might build a palace in some more appropriate situation and unite with it a gallery for the reception of specimens of the fine arts at a small additional expense. Kew might be disposed of, St James's might be disposed of and a splendid palace erected in a suitable situation. Carlton-house might be the private town residence of the monarch, and Windsor his place of residence during the summer.

Mr. *Bright* admitted that they had no palace in England at all to be compared with those which were to be found in other countries. Still, he was decidedly opposed to the expenditure of a large sum of money on the erection of a new palace.

Mr. *James* said, they ought not to think of building a new palace until the war-taxes were taken off.

Sir *M. W. Ridley* said, he would put it to any individual in that House, or out of it, whether there was any person in his majesty's dominions, so ill lodged, considering his rank as his majesty was? A large sum of money, in different small repairs and embellishments, had been hitherto thrown away. But a good opportunity now occurred to put an end to that error. Carlton-house was in such a state, that it could not long go on, unless it received substantial repairs. The foundation was not good, and the walls were in a bad state. Both required substantial repairs. It would require a considerable time and a large sum of money, to erect a palace: but he called on the House to place his majesty in a suitable situation, which would render it unnecessary to build a palace at this moment. Those trifling repairs in the different palaces should be stopped, and means should be taken to provide for the erection of a grand national palace at once. It would be true economy in the end.

Lord *Milton* said, he was sorry to see gentlemen vying with each other in recommending the erection of buildings which must lay the country under a very heavy expense. It was too much because they were gradually extricating themselves from their difficulties, because the country was in a better state than it had been in for some years, that therefore they should immediately run the race of extravagance and profusion. His chief reason for rising was, to notice the proposal of the hon. baronet who was anxious for the sale of some of the royal palaces. This was a very favourite notion with some persons, but he hoped it would never be acted on. At least he trusted that Hampton-court would not be selected either for sale or destruction. One circumstance must ever endear it to Englishmen: it had been the residence of the great founder of their liberties, king William.

Mr. *Grey Bennet* thought this sum of 40,000*l.* ought to be voted for the attainment of some decided specific object. It was demanded for the repair of public buildings; and here there were three royal residences not one of them in repair, which were to be improved at the same moment. He saw no necessity for this. As to a new palace, if he stood alone in that House he would resist the building of any palace at all.

Sir *C. Long* said, it was absolutely necessary to grant money for this purpose, if they wished to keep the buildings in existence. As to the question of taste, which had been referred to, the committee to whom allusion had been made, had nothing to do with the charge that had been insinuated against them. Of that committee, his hon. friend (Mr. Bankes), as well as himself was a member; and his hon. friend must know, that their business was limited to the deciding on drawings for national monuments. With regard to the new courts (he would not call them Grecian, for certainly their architecture was not Grecian; nor any thing else that he knew of), the only reason he could perceive for building them by the door of Westminster-hall was, that there had been buildings there before.

CALEDONIAN CANAL.] On the resolution, "That 13,000*l.* be granted for completing the Works of the Caledonian Canal, for the year 1824,"

Sir *M. W. Ridley* hoped the right hon. gentleman would repeat the assurance he gave them last session, that this was the only vote that would be called for on account of the Caledonian canal. It was time that this expense should be put an and to. He certainly would not vote for the proposed grant, unless the right hon. gentleman pledged himself that no more assistance would be asked for from parliament. According to the letter of the commissioners in 1823, he was led to expect that no more money would be required.

The *Chancellor of the Exchequer* said, he had stated last year that he should not feel justified in asking for the sum he then called for, unless he could refer to the limit of expense which was likely to be necessary for the completion of this work. When he was preparing the estimates at that period, he had communicated with the commissioners and the letter which he received in consequence had answered the question he had put. There was only one object to be attained; namely; that of making the depth of the canal uniformly 20 feet throughout its whole extent; and the sum now called for would accomplish that object. All, therefore, that was likely to be required for the work itself, was the vote now before the committee. There was, however, another point which related to the outstanding claims of individuals through whose lands the canal had been cut. It would be an extreme injustice to many parties, if claims of that nature were not considered: it would be most unfair to take their lands, and afford them no remuneration.

Mr. *J. Smith* hoped that this was the last vote that would be demanded on account of this canal. Would the right hon. gentleman give them a direct assurance that this was clearly, substantively, and *bona fide* the last sum of money that would be taken from the public for the completion of this work?

The *Chancellor of the Exchequer* said, he had no doubt that the view of the commissioners was correct and that the present vote would be sufficient to complete the work.

Mr. *Hume* wished to know whether the income arising from the canal was ever likely to support the current charges?

Mr. *Herries* said, that that question had been asked officially, but the answer had not yet arrived. The result of his private inquiries had certainly not been very satisfactory.

Mr. *Warre* was glad to have at last a confession from the secretary of the Treasury, that the canal was a useless speculation, as he (Mr. W.) had always pronounced it to be. And this was the case even with the aid of steam, an improvement not contemplated when the undertaking had been begun.

Mr. *T. Wilson* thought the vote should be suspended until a return could be obtained of all further claims that were likely to accrue from the canal; including claims on the score of compensation.

Mr. *W. Smith*, though he found no fault with the original devising of the canal, believed nevertheless that it would never pay its current charges and the interest of the money spent upon it. The present vote was a trifle after so much expense; yet he was inclined to wait for the return, on account of the claims to compensation. If proper arrangements had been made in the commencement of the undertaking, there was scarcely a proprietor who would not have been glad to have had the canal pass through his lands without claiming, or thinking of claiming any compensation at all.

The *Chancellor of the Exchequer* said, that without the grant now asked for, the canal would be utterly useless. In its present state, a vessel that went in at one end, could not, from the want of depth, get out at the other. The compensation claims could not be so settled as to become the subject of an immediate return, as any demand which seemed unreasonable would have to be assessed by a jury.

Mr. *Hume* had understood, ten years ago, that the greater part of the landowners concerned had acquiesced in the canal cutting without compensation. He was afraid that some claims had been set up from the facility with which others had been allowed. His opinion was, that as these were speculating times, the chancellor of the Exchequer should get some company to take the thing off his hands.

The *Chancellor of the Exchequer* said, that if the hon. gentleman would bid, he should be happy to receive his tender.

The vote was then agreed to.

New Courts of Justice in Westminster Hall.] On the resolution, "That 30,000*l.* be granted, towards defraying the expenses of building the New Courts of Justice in Westminster Hall,"

Mr. *Bankes* objected to the abominable taste in which new buildings of a different order of architecture had been grafted on to the old Gothic, and which had been done in opposition to many remonstrances. It was a decided fault in the whole plan to bring these new buildings into Palace-yard, which, when it was once cleared, ought never to have been again occupied. Before this sum was granted he wished to see a detailed statement, of what would be necessary to complete this abominable building. The House should also have some security against future deformity. At present there was nobody who could give the least information concerning it. The building was so bad, that nobody could be found to avow that he had projected it. Whatever plans might hereafter be adopted, they should be conducted on the principle of leaving Westminster Abbey and Westminster Hall open to public view to the fullest extent possible. He, for one, should never cease to regret, that any encroachments had been made on Palace-yard.

The *Chancellor of the Exchequer* regretted quite as much as his hon. friend, the existence of the unpleasant excrescence of which he had so deservedly complained. He had seen it for the first time in the course of last year, when the foundations were already laid, and it was unfortunately too late to put a stop to the building. The only amends which could now be made was to take care that nothing else should be erected so unsightly as the project to which his hon. friend adverted. As to an estimate of the expense for completing the building, the House might, if it thought necessary, have a more detailed statement laid before it; but he could have no objection to say that 10,000*l.* more would finish the whole building.

Mr. *W. Williams* fully concurred in every statement which had fallen from his hon. friend, except one. He did not think it was necessary that the building should go on. He would recommend, instead of granting 40,000*l.* for completing it, that pulling it down should be substituted, and 5,000*l.* should be granted for this purpose. He hoped the House would not, by its vote, sanction the completion of a building which would hand them down to posterity as totally deficient in point of taste.

Mr. *Calvert* said, that the materials might, almost all of them, be sold, or worked up again; so that the loss would be only the price of the labour.

Mr. *Grey Bennet* had understood, that there were extensive projects in agitation for the improvement of Windsor Castle; but he hoped that no part of that magnificent old building would be pulled down or destroyed, under the pretence of altering or improving it. Before this proposed alteration was gone into, he trusted the plan and estimate would be laid before the House.

The *Chancellor of the Exchequer* said, that when he alluded on a former night to Windsor Castle, he had purposely not entered into details; but he had no difficulty in stating, that when he proposed to the House to vote the sum, he should be ready to give an account of the alterations intended. On a former occasion he had mentioned, that it was his intention to place the money in the hands of commissioners appointed for the purpose; and he had no doubt that those gentlemen would fully consider the subject to which the hon. gentleman had adverted. Nothing he was sure, would be done to destroy the general character of the building; but such conveniences would be added, and such alterations made as were necessary.

Mr. *Williams* said, that he should move that the present vote be postponed.

Mr. *Bernal* deprecated this mode of proceeding. His hon. friend seemed to forget, that the party most interested in this question was the public. At present great inconvenience was experienced for want of courts, and if the motion for postponement were carried, suitors would suffer considerably.

Mr. *W. Williams* said, he would rather the public should suffer some temporary inconvenience, than that such buildings should remain as a monument to posterity of the bad taste of the present age.

The *Solicitor General* said, he approved of the buildings as little as any man could do; but when the question was, whether they were to go on or the public be exposed to very great inconvenience, he could have no hesitation in voting for the resolution.

Mr. *Baring* hoped that a better system would be followed with regard to the New Post-office, and complained that there was nobody connected with the government who was responsible for these ridiculous buildings.

The *Chancellor of the Exchequer* said that as to the Post-office, the House would be aware, that the committee to which the subject had been referred had thought it right to recommend premiums for the best architectural design. This had been done, and as it could not be expected that these persons should by inspiration know what was wanted in the interior of a Post-office, the consequence had been that a number of beautiful designs had been sent in, destitute of all practical utility. The architect of the Post-office had then been applied to, who had produced a design which possessed these interior arrangements; but, when laid before the Treasury, it appeared so inapplicable in point of dignity of appearance that it was also rejected. It then occurred to the noble lord at the head of the Treasury and himself, that an architect might be selected who would furnish a plan, uniting interior utility with exterior ornament. Mr. Smirke had been selected; and the design he had given in possessed every interior convenience, with sufficient dignity, to recommend it to the public.

The resolution was agreed to.

BRITISH MUSEUM.] On the resolution, "That 40,000*l.* be granted, towards defraying the expense of Buildings at the British Museum for the year 1824,"

Mr. *R. Colborne* took that opportunity of bearing testimony to the liberality of sir George Beaumont, who had made a noble gift of a beautiful collection of pictures to the Museum. The collection, though small, contained some of the finest specimens of the ancient masters, and he trusted it would form the foundation of an extensive and valuable gallery. To bequeath such a collection to the nation would have been liberal in any man; but it was doubly liberal to give it during his life time. He was confident the example would have both admirers and imitators.

The *Chancellor of the Exchequer* said, he had not alluded to this subject the other night, out of delicacy to the individual alluded to. He was fully sensible of the extraordinary liberality of that individual, and he trusted that it would lay the foundation of a splendid national collection.

Sir *T. Baring* recommended, that instead of the British Museum, Somerset-house should be completed, and made the receptacle for a national gallery of pictures.

The *Chancellor of the Exchequer* said, that sir George Beaumont had given his collection to the British Museum, and that it could not therefore be sent to any other building. There it would be in conjunction with those other collections of the sister arts which would add value to the whole. He had understood, that Somerset-house, from being so near the Thames, was not a favourable place for pictures.

Sir *T. Baring* said, that sir George Beaumont had not given his pictures to a building; but to the nation. At present, the arts were in a state of unrivalled excellence in this country, and it must be desirable that they should have a suitable abode; which he thought could only be found in Somerset-house. He trusted government would complete that noble structure.

Sir *C. Long* explained, that sir George Beaumont's gift had been to the British Museum, and was intended to remain in conjunction with other works of art deposited there.

Mr. *W. Smith* thought, that the eastern wing of Somerset-house ought to be completed. For thirty years that part of this building had remained in a half-finished state; as if the nation had not had a single farthing to bestow on purposes of national ornament.

Mr. *Croker* thought the eastern wing of Somerset-house wou'd make, if completed, a noble picture gallery, and would be capable of receiving all the works of art we were ever likely to possess. He would suggest, that the east wing of Somerset-house would form an excellent place for the exhibition, which at present was at the very top of the house. The apartments were not large enough, and some pictures were obliged to be hung up in unfavourable places. He should therefore be very well pleased to see the recommendation of the hon. baronet carried into effect, and the east wing of Somerset house completed and appropriated to the exhibition. The apartments at present appropriated to it might be given to the Royal Society for their library, as they had a great number of books lying in cases.

The resolution was agreed to.

PENITENTIARY HOUSE AT MILBANK.] On the resolution "That 23,000*l.* be granted to defray the expense of the establishment of the Penitentiary-house at Milbank, for the 24th June, 1824, to the 24th June, 1825,"

Mr. *Gordon* wished to know from his majesty's government, what was intended to be done with this establishment. It was now unoccupied, and had been so for six months, and he thought some explanation on the subject would be desirable.

Mr. *Peel* said, that the policy of having commenced that building had been often discussed, so that it was needless now to discuss it. It was from motives of humanity, that the prisoners had been removed from it in the course of last year. As to what might hereafter become of it, he should not take upon himself the responsibility of sending back the prisoners without the fullest inquiry. In consequence of a conversation with an hon. gentleman opposite (Mr. Bennet), whose intention it was, to move for the re-appointment of the committee of last year, he thought it unnecessary to say more upon the subject now, than to assure the House, that when that committee should be appointed, the whole question would be investigated.

Mr. *Gordon* said, he did not mean to find fault with the removal of the prisoners. He was sure it proceeded from motives of humanity, but he thought they should not now be called upon to defray the annual expenditure when the institution was empty.

Mr. *Peel* said, that although the penitentiary was empty at present, the prisoners had been removed to the Hulks, and this vote went to provide for their maintenance. In addition to this, some alterations were rendered necessary, which necessarily increased the expenditure.

Mr. *Holford* observed, that it had been necessary to remove the officers of the institution, as well as the prisoners, and that also had added to the expense.

Mr. *Hume* objected to the great expense of the officers, which was no less than 6,000*l.* This he considered quite disproportionate, whilst the victualling of 1,000 persons at the penitentiary amounted only to 8,000*l.*

Sir *M. W. Ridley* wished to know whether there was any objection to lay before the House the report of the committee of medical men who investigated the disease which was prevalent some time back at the Penitentiary? He was the more anxious for the production of that report, because he was inclined to think it would disclose a circumstance not generally known; namely, that diarrhœa prevailed there for a much longer period than was generally supposed.

Mr. *Peel* said, that if the report could throw any useful light on the subject, he should not oppose its production; but as that would form one of the documents to be produced before the committee, he thought it would be better that all the information should be produced at once, and by that means the House would avoid prejudging the question.

The resolution was agreed to.

On the resolution, "That 16,520*l.* be granted, to enable his majesty to grant relief to the Toulonese and Corsican emigrants, Dutch naval officers, Saint Domingo sufferers, and others who have heretofore received allowances from his majesty, and who from services performed, or losses sustained in the British service, have special claims upon his majesty's justice and liberality,"

Colonel *Davies* objected generally to this vote. In the first place, admitting the justice of a part of the demand, it was much too large; but he could not see upon what plea of justice, or of common sense, we should be called upon now to grant salaries to men for sacrifices which had been made, not for us, but for the interests of their lawful sovereign. He thought it exceedingly hard that now, after the restoration of the Bourbons, England should be saddled with the burthen of paying Frenchmen for supposed services, which, if they were ever performed, were done for the purpose of restoring the French monarch to the throne. This vote, to say the least of it, was extremely questionable. With respect to the St. Domingo sufferers, they perhaps had some claim; but, after the reduction which he meant to propose, a very liberal allowance would still remain for them. He should, therefore propose, "That instead of 16,520*l.*, the sum of 10,520*l.* be substituted."

Mr. *Hume* seconded the proposition. He had hoped, that this year a considerable reduction would have been made; instead of which he found an increase. It appeared to him, that on the restoration of Louis 18th to his throne, it was the duty of ministers to have stipulated that he should have provided for his adherents; and he still hoped, that the application might not be made in vain. However, of this he was quite sure, that the only way for the House to make the government exert themselves in the matter, would be to refuse the grant.

Mr. *Herries* said, that the increase arose from a transfer of a balance of last year's account, which made an apparent increase, whereas in fact there was a real reduction of 150*l.* in the present year.

Mr. *Gordon* concurred in the opposition to this vote, and thought his hon. friend had put the subject on its proper footing. Let parliament refuse the grant, and government would soon do away with it.

The *Chancellor of the Exchequer* said, that at the time of the peace, the government had felt it its duty to see how far a beneficial arrangement could be made. The negotiation set on foot with the French government at that time had this effect, that all persons who were French emigrants merely were to be taken off the list; and accordingly they are now actually supported by the French king. But the case of the others was widely different. Their claim was founded upon services rendered to us in the war against France, not as subjects of Louis; but they were services of a confidential nature, which actually had enabled us to carry on the war against the enemy; and, having enjoyed the benefit of these services, it would be hard if we compelled the French government to take upon themselves the burthen of compensation. It was true, that Toulon was taken in the name of the French king, and the vessels were surrendered to us under the name of France. We had had the benefit of them, and it would be too much now to call upon the French king to make good the expense.

Colonel *Davies* said, that these vessels were taken to prevent them from falling into the hands of the republicans. Instead of a hardship, he thought it would not be going too far to call upon Louis to make some compensation for the blood and treasure we had lavished in effecting his restoration. He thought these people had no more claim upon us than upon the emperor of China, and was quite satisfied that many of them were receiving pensions from the French government.

The *Chancellor of the Exchequer* said, it was impossible that that could be the case, because before they received their pensions in this country, they were obliged to sign a declaration, stating, that they received no pension or allowance from the French government, that they were not in the service or employment of any foreign power, and that they had no other means of subsistence besides their pension.

Colonel *Davies* said, he had no wish to cast an imputation upon any one, but he could produce a letter which he had read to the House two years ago, which would distinctly prove the fact.

The House divided: For the Amendment, 21. Against it, 49. The resolution was then agreed to.

HOUSE OF LORDS.

Tuesday, March 2.

Hearing of Appeals.] Lord *King* said, he wished to call their lordships' attention to a subject which appeared to him to be of great importance. He found that his attendance was required in that House for hearing appeal causes at the bar. Now, he wished to learn, from such of their lordships as were better acquainted with the subject than he could pretend to be, whether he was, in consequence of this order, which required him to hear causes, also bound to vote on them? If he must vote, he was also desirous of knowing whether, in the case of his happening to withdraw himself before the hearing of a cause should be concluded, he would still be obliged to give his vote upon it? If these inquiries should be answered in the affirmative, he would then be glad to be informed, how he should act on a cause which was to come on, he believed, on Monday next. The cause to which he alluded was intituled "Connolly and wife," and had been heard before. For his part, however, he knew nothing of it; and he must therefore beg for instruction from their lordships how he was to vote. He had no idea whatever of the case, and was most anxious to do no injustice either to Connolly or his wife. But, would none of their lordships tell him what he was to do? Was he to take a hint from some one of the big wigs which their lordships occasionally saw rising a few inches above the bar? Or was he to be directed by that equilateral triangular hat which lay there? [looking towards the woolsack.] Or might he vote, as was done in some cases, without hearing any thing on the subject, by proxy? Their lordships had, in their wisdom determined, that each peer was to hear only fractions of causes; but, how was this to be reconciled with the mode of voting by wholesale? Now, if vote he must on the above case, he hoped their lordships would put him in possession of the means of voting rightly. He should doubtless be furnished with the notes which he supposed the peers who had already sat on the case must have taken; for they were the judges, and it was the practice of judges to take notes of the causes which were heard before them. Their lordships well knew the value which was placed on the notes of judges, and he would wish those taken in that House to be printed. If, however, it should unfortunately happen that the peers who had heard this case, had taken no notes, and that he would nevertheless be required to vote on it, then he would most humbly beg of their lordships to amend their order, and direct that all peers sitting on appeals, should keep notes of the cases they heard. Thus their lordships would have before them the wisdom and information of their predecessors, and the labours of the sitting part of the peers would enable those who had to vote, to perform their judicial functions properly. This new mode of hearing causes, he believed, had been invented for the purpose of expediting the business of the House; but it appeared to him to have only the effect of keeping away the noble and learned lord whom he considered the most efficient judge of appeal causes. The noble and learned lord was a very great friend of the church; but, what would the noble and learned lord say to a rector, who, wishing to be relieved from the burthen of his clerical duties, should get a curate to perform them for him, but instead of paying the curate out of his own emoluments should leave him to be paid by the parish? This would doubtless appear to the noble and learned lord a very singular arrangement. Having put one ecclesiastical case, he would, with their lordships' leave, suppose another. What would be thought of a bishop, or a clergyman, who should declare from his pulpit, that a person had stated "an utter falsehood?" What would the noble and learned lord think of the reverend person who should thus express himself respecting the character of another, in a place where what he said could not be answered? He was quite sure that the noble and learned lord would be the last man in the world to give his approbation to such conduct.

State of Ireland.] The Earl of *Darnley* said, he had to apologize to their lordships for the change he had thought it necessary to make in his motion for summoning the House. They were aware that he had given notice of his intention to bring forward, on this day, a very extensive question relative to the state of Ireland; but as he could not at the present time expect the assistance of many noble lords intimately acquainted with Irish affairs, and as he had reason to hope that those noble lords would be able to attend at a future period, he had resolved to postpone his motion. Another reason had also induced him to postpone it; namely, his wish to collect the most accurate and ample information, before he proceeded to call their lordships' attention to the subject. He had intended to move that day for a great variety of papers tending to illustrate the state of Ireland; but he would now confine himself to those documents to the production of which he understood there would be no objection. It appeared from what had taken place elsewhere, that it was intended to take off the bounty at present granted on the exportation of Irish linen—to take it gradually off from the fine, but immediately from the coarse. Considering the state of Ireland, this was a most important feature in the financial arrangement of the chancellor of the Exchequer for the year; and he was surprised that it did not occur to his majesty's ministers, that the taking off the bounty on Irish linens, and especially so suddenly off the coarse linen, must tend greatly to increase the evil under which that country laboured, which was the want of employment. He thought that the same political considerations which had last year prevented the removal of the duty on foreign linen, should have, on the present occasion, saved the infant manufacture of the north of Ireland. If the bounty were taken off the coarse linen, the manufacture of which was but recently established, a great addition would be made to the distress of the starving population. And here he could not help noticing an item of the public expenditure, as it had been arranged in another place, in consequence of the receipt of part of the debt due to this country by Austria. He had formerly expressed an opinion, that not a farthing of that debt would be repaid. The sum received was called a "God-send;" and he had no objection to the term, but he thought it would with great propriety be called so, if the money were employed in rescuing the distressed population of the south of Ireland from starvation. In this way it would be much better applied than in repairing royal palaces, or building churches; to which objects, however, as far as they were necessary, he had no objection to the application of public money. He believed, indeed, that in the metropolis the power of hearing divine service was confined almost exclusively to the rich, and that in Ireland the greater part of the Protestant churches were in a state of dilapidation. He must again express his surprise, that the Austrian Godsend was not allowed to fall upon Ireland, instead of being applied in the way proposed by the chancellor of the Exchequer. He must, however, repeat, that he had no objection to building churches, if they were really wanted; and he had always been an advocate for keeping Windsor Castle in repair, but wished that no sum beyond what was necessary should be so expended. With regard to the papers he wished to obtain, he should now move for an account of all the sums granted by parliament for public works, and for the employment of the poor in Ireland during the last seven years; for sums advanced by way of loans of Exchequer-bills or otherwise; the sums paid on the presentments of grand juries; the payments out of the consolidated fund, &c. But he did not think he could do full justice to the task he had undertaken, without stating the truth, and the whole truth, respecting the church establishment of Ireland. He therefore intended to move for an account of the number of parishes and parish churches in Ireland ; the extent of the parishes; the number of families residing in each; the number of communicants in the established churches; the number of Roman Catholic families; and other documents of this kind. In moving for these papers he had no other wish than that of bringing under the consideration of their lordships, the real situation of Ireland. The noble earl concluded by moving for the papers he had described; and also that their lordships, be summoned for the 5th of April next.

The Earl of *Liverpool* assured their lordships, that he wished not on the present occasion to say one word as to the general question. Neither did he rise to oppose the motion, to which he had no objection; but he wished to say a few words on two subjects, which had been adverted to by the noble earl. The first was relative to that sum of money which had been called a "God-send," and which, the noble earl was surprised, had not been in great part appropriated to Ireland. But their lordships must be aware, that the whole of that sum had been included in the general account of the resources for the year; and if two specific portions of it had been mentioned by the chancellor of the Exchequer, as appropriated to building churches, and repairing Windsor Castle, they must be considered as coming from the general resources of the country. The noble earl, however, appeared to suppose that, while these sums were so appropriated, no money whatever was granted for Ireland. Why, the very reverse was the fact. Large sums were every year voted for that country, and while the noble earl complained of the moneybeing spent here, it was a fact, that only Ireland and Scotland had recently received grants of the public money. Except public works which were necessarily carried on in England, there were no grants of money whatever for this country. Exchequer bills, indeed, bearing interest, had sometimes been advanced, but no money had been bestowed as absolute gifts. In Scotland and Ireland, the contrary was the case; and at this moment there were several works going on in the latter country at the public expense. He thought it proper to make these observations, to set the House right as to the statement of the noble earl, and not to let it be supposed, that the government and parliament had never granted money for the service of Ireland. The other point to which he wished to call the attention of their lordships was, the bounties on linen. In his mind, there could be no doubt as to the general question. There could be no greater absurdity than to grant a bounty which was to be taken out of the pockets of the people on the exportation of a commodity manufactured by them. It was another question, however, when such a bounty had been established, to decide whether it should be immediately taken off or not. If any exportation of coarse linen took place under this system it might, indeed, be an injury to change it; but there was no exportation of coarse linen from Ireland, and this, therefore, was for that trade which the noble earl wished to protect only a nominal advantage; and he could not believe that the loss of a nominal advantage could be of any injury to the linen trade. He should not oppose the motion.

Lord *King* was aware that there was no want of grants of the public money. There were Irish jobs, Scotch jobs, and Church jobs in abundance, but the most enormous job of all was the 100,000*l.* a year to the Irish churches.

The motions were agreed to.

HOUSE OF COMMONS.

Tuesday, March 2.

IRISH MINING COMPANY.] Sir *H. Parnell* said, he had a petition to present from an association in Ireland, denominated the Hibernian Mining Society, praying the House to take no measures that may impede their efforts in the working of the mines in Ireland. It was gratifying to observe, that the shares in this undertaking had been purchased up so rapidly, and that individuals were found who were ready to embark their capital in the speculation. But, at the same time, it was worth considering whether it would be expedient for parliament to invest them with the powers of a joint stock company. Experience had proved, that the powers conferred upon public companies had generally led to negligence in the conduct of their business.

Sir *J. Newport* said, if there was any country in the world which, more than another, required encouragement as to the investing of capital, it was Ireland; and when an undertaking was set on foot to extract from the earth the treasures which he believed Ireland possessed, he hoped the House would not be backward in granting, not a monopoly, for to monopolies he was opposed, but all the assistance which they could bestow with safety and justice; and that they would look with a favourable eye upon the disposition to lay out in Ireland that capital which was so much called for.

FISHERIES OF SCOTLAND.] Mr. *Hume* presented a petition from the merchants, bankers, and other inhabitants of Arbroath. They complained that the salmon fisheries of Scotland had been much impeded by a recent interpretation which had been put upon the laws, which prohibited the use of a certain kind of nets, by means of which great quantities of salmon used to be caught. The consequence of this was, that a monopoly was now thrown into a few hands. The petitioners stated, that they understood a bill was about to be brought into parliament which would have an injurious effect upon their interests, and they humbly prayed, that the House would enact no law which would injure them, and consequently affect the community at large. He felt it necessary to state, that in his opinion the allegations in the petition were quite correct, and he, therefore, hoped the House would turn their attention to the subject.

COMMITMENTS BY MAGISTRATES.] Mr. *Hume* said, he had some nights back presented a petition to the House from an individual, complaining of the conduct of a police magistrate, who had sentenced him to prison without sufficient evidence. He had then stated, that it was his intention to submit a motion to the House on the subject, the result of which, he expected, would explain the whole conduct of the magistrates of the metropolis and its neighbourhood. He had communicated to the Secretary of State for the home department his intention of moving for certain documents, and the right hon. gentleman had said he had no objection. He should therefore move, "That there be laid before the House, a return of the number of persons committed to Newgate or any other prison in London, Middlesex, and Surrey, from the several police offices, by the several magistrates of the city of London, and of the counties of Middlesex, and Surrey, in the years 1821, 1822, and 1823; stating the number of persons committed from each office, and the number committed to each prison; the number of those committed against whom bills were found by the grand jury, the number convicted, and the number acquitted; distinguishing the number of those discharged, on verdict of not guilty, from those discharged from the non-appearance of witnesses or prosecutors; and also the number of commitments of those so convicted, acquitted, and discharged respectively.

Mr. *Sumner* asked, whether the motion extended to the county magistrates of Middlesex and Surrey, or was confined to the police magistrates?

Mr. *Hume* said, that his return would extend to the county magistrates?

Mr. *Sumner* said, if the motion had been confined to the magistrates of London, he should have no objection to it; but he was decidedly opposed to the practice of bringing before the public on all occasions the names of magistrates. The office was attended with great trouble and inconvenience, and he was persuaded that no gentlemen would be found to undertake the duties of the office, if their names were to be shewn up whenever it suited the pleasure of any member of the House. He should therefore take the sense of the House upon the question.

Lord *Althorp* said, he was never more surprised in his life than at the statement of the hon. gentleman. He was himself a county magistrate, and he should be ashamed if he objected to his name being produced upon any occasion, and subjected to the fullest inquiry. He was sure he spoke the sense of every country gentleman in England of sound principles, when he said that they would never object to have their names produced, or would never shun inquiry.

Mr. *Maberly* rose, to enter his protest against the doctrine which had been laid down by the hon. gentleman, respecting county magistrates. He was himself in the habit of acting frequently in a town which required the constant attention of several magistrates, and he was sure they would have no objection to the motion. He considered the observations of the hon. member, as a slur upon the magistrates of Surrey; and he would protest on behalf of nine-tenths of them, against such an imputation.

Sir *E. Knatchbull* complained, that the hon. gentleman had stated no reasonable grounds, to induce the House to accede to his motion, but seemed to consider it as a matter of course. He therefore thought his hon. friend was quite justified in opposing it. But, there was another objection to the production of these returns; namely, that it would be attended with great trouble, expense, and inconvenience. Unless the hon. member stated some good grounds for complying with the motion, he should feel it his duty to oppose it.

Mr. *Hume* said, he had thought it was fresh in the recollection of the House, that when he had called their attention to this subject, he held in his hand a return of the commitments by magistrates in London, and magistrates of other places, from which it appeared, that the greater part of those who had been committed by the London magistrates, had been convicted; from which he inferred, that a greater degree of attention must have been bestowed on the sifting of the evidence before committal. If he had supposed that any opposition would have been given to the motion, he would have brought down a document which was called the calendar of the Old Bailey. From this it would appear, that, of the number of individuals committed to prison, one half were discharged without trial, or any evidence having been produced. Let the House figure to itself such a state of things as 1400 human beings committed to different gaols, on the warrants of the magistrates, 600 of whom were discharged subsequently! What objection, in the name of common sense, could there exist to the return of the fact? It could impute misconduct to none but those who deserved it. He must do the Secretary of State for the home department the justice so say, that when the resolution was shewn to him, he did not anticipate any objection, although he did not see the necessity for demanding the names of the unpaid magistracy. It struck him at the time that no one could object to the return of the names who did not feel that those magistrates had acted wrong.

Mr. *Ashurst* said, that his fears arose from the probability that imputations would be thrown upon the magistrates which they would not possess the means of refuting.

Mr. *Denman* was astonished at the extraordinary reason given for opposing the production of this return. What! was the proposition to be entertained, that as the powers of the magistracy were increased, they were to be made irresponsible? The unpaid magistracy must not be subjected to the possibility of aspersions being cast on their character. Then, on what ground was it that the police magistrates were to be exposed to imputations? Their labours were much more extensive and equally useful. The paid magistracy were, it was to be recollected, amenable to the home office, as well as to the House of Commons, and yet it was contended in that House, that it would be felt as a considerable hardship to call for any disclosure respecting the conduct of the unpaid magistracy! If such a feeling was to be permitted to prevail—if that House sanctioned the irresponsibility called for—then that body of magistrates would become an intolerable nuisance. Look at the variety of new powers that every session, somehow or other, these magistrates were acquiring. Let it look at the trespass act, and the many other acts, that gave the right of summary correction; and the House must feel that it was of the utmost consequence to watch the conduct of the magistracy with a constitutional vigilance. He should state an instance that happened before himself and other magistrates, that shewed the enormous power that was given to that body by acts of parliament. A man was charged before them, under the statute of obstructing the highway. The proof was, that he had asked a person at the entrance of Doctors' Commons whether he wanted a proctor. He saw that the person on leaving the carriage was in black, and thought that he probably wanted to execute some business in the Commons. This interruption on the footpath amounted to an obstruction on the highway, under the express statute, and the magistrates were compelled to convict. Had the whole penalty been enforced, the man charged must have paid five pounds or gone to gaol for three months. Unless that House exercised a due degree of circumspection, was it not to be feared, that such monstrous powers would be abused? In place of limiting the information sought for, he would wish it to be extended to every county in England. As to the fears expressed by hon. members, lest magistrates should be exposed to unwarrantable imputations, he could not see on what ground such an apprehension existed. With respect to the expense, that would be altogether trifling.

Mr. *Sumner* denied that the unpaid magistracy was uncontrolled, they were subject to that most powerful control, the superintendence of the court of King's-bench.

Sir *R. Heron* avowed himself as a county magistrate most solicitous to have his conduct fully investigated. The public superintendance ought to be exercised for the good of the people. As the Trespass act had been mentioned he must say, that he expected some member of influence would have before now moved for the repeal of that most unconstitutional act, by which a British subject might be punished for any thing, or for nothing.

The *Attorney General* expressed himself most ready to subscribe to the principle, that every abuse of the administration of criminal justice should be fully investigated. The object of the motion was, to ascertain if any magisterial mismanagement existed in the adjoining counties to the metropolis, as compared with similar returns from the metropolis. He would therefore suggest, that in the first stage the returns might be made, with the omission of the names of the committing magistrates. The return would either substantiate the fact, as to the commitments and discharges stated by the hon. member, or it would not. If it did not, there would be no further necessity for inquiry; if it did bear out his statement, then it would be open for him to follow it up, by calling upon the House to require the names of the magistrates. To the motion thus modified, he should have no objection.

Mr. Secretary *Peel* said, he considered the stipendiary magistrates, as of the government, to stand in a different situation from the county magistrates. He meant, that the conduct of the former was necessarily more open to inquiry. The motion, as proposed to be modified, he certainly should not object to.

Mr. *Denison* approved of the suggestion of the attorney-general. As to his own conduct as a magistrate, he wished to have it fully investigated; and he felt himself bound in justice to say, that there was not a more diligent, anxious, or praiseworthy body, than the magistrates of Surrey.

Mr. Alderman *Thompson* instanced a case that had come before himself, where the accused parties, amounting to three, were committed on the clearest evidence; but, in consequence of the prosecutor declining to prosecute, they were discharged without trial. And yet, by such a return, an imputation would be thrown upon him.

Mr. *Grey Bennet*, as a magistrate of Surrey, expressed himself anxious for the fullest publicity. He also bore his testimony to the respectability of the magistracy of that county.

Mr. *Hume* said, that when he first intended to move for these returns, he never contemplated any objection thereto. The object he had in view was, that having had presented to him the names of some three, four, or five magistrates, he was anxious to have the regular returns, in order to compare the statements he had received with the official documents. He should then have been able to ascertain what was the more advisable course to take. He had no objection, however, to shape the motion so as to meet the suggestion of the attorney-general.

The motion so modified was then agreed to.

EXPORTATION OF BRITISH WOOL.] Mr. *Stuart Wortley* said, he rose to present a petition to which he begged the attention of the House generally, and particularly that of his right hon. friend, the chancellor of the Exchequer. In the exposition which his right hon. friend had made last Monday week of the financial state of the country, he had expressed an intention of relieving the Wool duties by a reduction of sixpence to one penny, and at the same time of allowing the free export of English wool. On the latter part of that proposition, he had taken the opportunity of expressing to his right hon. friend his opinion the next day. He now held in his hand a number of petitions signed by 12,500 of his constituents, praying the interposition of that House, against any such measure being carried into effect. These petitioners, amongst other allegations, stated, that the long wool was the exclusive growth of this country, most essential to our own manufactures, and they pray that it may not be permitted to be exported; but that if the House should differ from them, that they at least should be heard by counsel. A law which had existed for centuries should not be changed, without allowing the parties whose interests were affected, an opportunity of stating their case before a committee of that House. He considered that the proposed measure began at the wrong end. Before we opened the export we should have relieved the raw material from all duties.

Ordered to lie on the table.

Excise Licences.] Mr. *F. Palmer* presented a petition from the licensed victuallers of Reading, against the Excise Licences. He trusted the House would take the subject into their serious consideration, as it was one of great importance and as the existing system was the cause of considerable injustice.

Mr. *Monck* trusted the House would feel the importance of relieving the nation from these licenses, which operated as a kind of poll-tax. It was the most unequal kind of impost, as whether a man sold a greater or less quantity of beer, he was subjected to the payment of the same sum. He trusted that this, therefore, would be one of the burthens of the people which the House would determine to take off: for it was quite as oppressive as that odious window tax, to which he trusted the House would that evening put an end. The difficulties of all kinds under which publicans laboured, were very great. At Reading there was a company of brewers, by whom porter was sold at 4*d.* a pot, of the same quality as that for which the publicans necessarily charged 5*d.* because 4*d.* was the price required of them by the brewers by whom they were supplied. It might be asked, why the publicans did not brew their own beer? The fact was, that they were prevented by the great brewers, whose tenants they were. They were not publicans in any sense but in name. If they attempted to act independently, they were instantly turned out of their houses; otherwise, a publican might most advantageously be a retail brewer, much more so, indeed, than an ordinary retail brewer; because he could sell his beer both in and out of doors. He trusted that the House would take these and every other grievance into its serious consideration.

Ordered to lie on the table.

Repeal of the Window Tax.] Mr. *Hobhouse* said, he held in his hand a petition from a number of Inhabitant householders of the parish of St. Anne's, Westminster, praying for a repeal of the whole, or such part as relate to the Window duties, of the assessed taxes. This petition was from a portion of the great body of petitioners who petitioned that House in the beginning of the year 1822. He had an opportunity of knowing, that if it had not been strongly reported that it was the intention of the chancellor of the Exchequer to propose the remission of a large portion of the assessed taxes, and especially the window tax, petitions similar to the present would ere this have been presented from the whole of the city of Westminster; and meetings were at present convoked of the whole of the parishes of Westminster, for the purpose of petitioning the House not to carry into effect the plan which the chancellor of the Exchequer had proposed. The petition which he had now the honour to present was signed by nine hundred householders of the parish of St. Anne's; and he begged the House particularly to remark, that it proceeded from persons of every kind and denomination of political opinion. He was quite sure, that when the House was told, that the first paragraph stated the sense which the petitioners entertained of "the firm, wise, and enlightened policy of that honourable House," they would not believe that the petition was "got up," as it was termed, by those who usually prepared petitions from the city of Westminster. The petitioners stated, that they entertained the most confident hopes that this odious window tax would be repealed by parliament. Nothing prevented the petition from having been signed by a much larger body of individuals but want of time. As it was, it was signed by the members of the select vestry, even by the collectors of the king's taxes, and by a number of other persons, who, on other occasions, differed very materially from those who were called reformers in politics.

The Petition was then read, setting forth,

"That the Petitioners have seen a statement purporting to be an account (laid before the House on the 12th of February, 1824) of the public income and expenditure of the United Kingdom of Great Britain and Ireland, for the year ended the 5th of January, 1824, whereby it appears, that a surplus had been paid into his majesty's Exchequer of 6,700,000*l.* and upwards, arising, in the opinion of the petitioners, from the firm, wise, and enlightened policy of the House, a continuation of which the petitioners feel confident will tend essentially to maintain the prosperity of the United Kingdom, and the good faith of all his majesty's subjects; that by the remission of a portion of the window and other taxes during the last session of parliament, the petitioners were relieved from a portion of the burthens of taxation under which they had previously laboured, and they were anxiously led to anticipate a repeal of the whole of the house and window duties in the present session; that the petitioners conceive those taxes, even as now reduced, to be not only grievous and insupportable burthens, but also unjust in their operation, inasmuch as by the present scale of taxation the windows of all houses are subject to the same duty, without reference to local situation; that a considerable proportion of the inhabitants of that parish are tradesmen in a small way of business, upon whom the assessed taxes have a most injurious and oppressive effect, as it not unfrequently happens that many have been compelled to dispose of property to their great loss and disadvantage, in order to prevent their goods being seized by the collectors for payment thereof; that the petitioners humbly submit that the repeal of the laws imposing a tax on windows would not operate as a total loss to the revenue, as the use and consumption of glass would in consequence of such repeal be greatly extended, and the duty on that article thereby increased; the petitioners therefore humbly pray, That the House will take the allegations aforesaid into consideration, and pass an act for the repeal of all the laws relating to the assessed taxes, or such parts thereof as impose the tax in respect of windows and lights, as to the House shall seem meet."

Mr. *Hobhouse* next presented a petition from the inhabitants of the parish of St. Mary, Lambeth, in the county of Surrey; setting forth,

"That the petitioners are greatly oppressed by the taxation they are compelled to endure, and by the rigorous mode in which these taxes are collected; that the petitioners are more particularly oppressed by the taxes known by the name of assessed taxes, which in their very nature are equally partial and unjust; that the taxes levied on houses and windows, are not only partial and unjust, but are also injurious to the health, and destructive of moral habits among the people; that the very principle of all just taxation is in these taxes reversed, those who are least able to pay, being charged at a much heavier rate than those who are most able to bear the burthen; that the truth of these assertions is proved in the following table:—

House and Window Tax.	Rent.	Windows.	Duties 1797.			Duties 1817.			Addition per Cent.
	£.		£.	*s.*	*d.*	£.	*s.*	*d.*	
On a House of	50	25	9	0	0	22	10	2	150
Ditto	50	30	10	0	0	26	14	2	167
Ditto	50	35	11	0	0	30	18	2	180
Ditto	50	40	12	0	0	35	19	2	200
Ditto	100	25	11	10	0	29	11	10	157
Ditto	100	30	12	10	0	33	15	10	172
Ditto	100	35	13	10	0	37	19	10	181
Ditto	100	40	14	10	0	43	0	10	196

That from the above table it appears, that the first four houses pay from 9*s.* to 14*s.* 6*d.* in the pound, on an average, 58 per cent, and that the other four houses pay from 6*s.* 7*d.* to 8*s.* 10*d.* in the pound, or 36 per cent; that the higher the rents, the greater the decrease of the rate of duties, and that consequently the middling housekeepers, who are the least able to pay, are burthened the most; that, owing to the great decay of trade during the last six years, and also the decrease of profits, the mass of the middle class of housekeepers are continually thrust down lower and lower, until they are destroyed, to the great impoverishment of the body of the people; that ministers have made it a boast, that they have been able to impose upon the people five millions of taxes more than are sufficient to supply their wasteful system of misgoverning the country, which, at a time when distress stalks over the land, is evidence of both folly and hard-heartedness; that ministers ought not to be trusted with any surplus, but, on the contrary, they ought to be compelled to retrench their profligate system of corruption, and return to a just, wholesome, and economical mode of administering the affairs of the nation; the petitioners are fully convinced that it will be for the advantage of every person in the nation that the assessed taxes should be wholly repealed, and they therefore pray, That the House will cause a repeal thereof to be made forthwith.

Ordered to lie on the table.

Mr. *Hobhouse* then rose to make the motion of which he had given notice. He began by observing, that he was quite sensible, that on the present occasion he should stand in need of the whole of that indulgence which the House had been in the habit of being kind enough to give him, on the various occasions on which he had felt it his duty to trouble them. These were not mere words of course; they were prompted by a sentiment which he unfeignedly felt, and which he was sure every body would be aware he must feel, when he was about to handle so vitally important a subject as the taxation of the country; and when it was his intention, he would not say to follow, because that would be irregular, but to allude to the recent speech of the right hon. the chancellor of the Exchequer, who had enlightened even his political enemies by some of the sound views of commercial policy which he had opened. If the right hon. gentleman followed up those views, and carried them into practice, he would acquire, he would not say that noisy quality fame, but he would acquire that high and lasting character, which ought to be the first object of the ambition of every man who aspired to a share in the government of a country. At the same time, although in the commercial course which the right hon. gentleman was pursuing, he was actuated by the most correct principles—principles from which no man, who had at all considered the subject, could express the slightest dissent—yet the right hon. gentleman had far from satisfied the just expectations of the country, with respect to the reduction of taxation. It ought to be recollected, that for some time, even before the right hon. gentleman's accession to office, the country had been led to expect a considerable alleviation of its burthens. The present government appeared to have departed from the ruinous and ridiculous principle, that the true riches of a country consisted in the wealth of the Treasury, and not in the wealth of the people. They appeared to have, in a great measure, departed from that system which, had burthened the nation with the most oppressive and grievous taxation which had ever been imposed—not upon a nation calling itself free, but upon a nation living under the most absolute despotism. He should have been glad to have seen, on the present occasion, a perseverance in the reduction of taxation. Under other circumstances—had we exerted ourselves in the cause of liberty in other countries—it would have been a different question. But, as the temple of Janus was shut, as it appeared for ever; as we had made no honourable efforts to maintain the cause of independence in Europe, and to sustain our own character in the world; the sacrifices which could have been justified only by being called for from such motives, ought not to be required after the deliberate adoption of a policy of so opposite a nature. In his majesty's speech at the commencement of the session, it was said, that every thing in the country was prosperous; that commerce was prosperous; that agriculture was prosperous to an extent not anticipated even by the most ardent admirers of the present political system. The revenue was also stated to be highly flourishing. Why, if that were the case, was this the precise time chosen for continuing the burthens of the people?

He would take the liberty, *en passant*, when this boast was made of the increased prosperity of the country, to say, that he was not quite so certain of the fact. He was not quite so certain, that the improvement of agriculture did not prove the depression of other branches of the community. He found that those who had been so anxious for the improvement of agriculture, merely meant that they were anxious for a rise of prices. It was for that purpose, that they were so desirous of the corn laws. If the agriculturists did not complain at present, he concluded it was because corn was dear. But, a rise in the price of corn must be injurious to all the other classes of the population. It was impossible that the country could go on tolerably with high prices. It was a principle which had been advocated on both sides of the House: it had been advocated by the right hon. gentleman opposite; it had been advocated by his late lamented friend (Mr. Ricardo), that no benefit could possibly be expected from high prices. But, though from high prices it had been proved we could expect nothing, still less was any benefit to be derived from fluctuating prices. As long however as the present corn-bill lasted, those fluctuations must continue. Either the consumer would be buying at too high a rate, or the producer would be selling at too low a rate. Petitions would thus keep pouring into the House, from the one party or from the other. One class would appeal to government for aid against the other; and government having only a choice of evils, would be unable to adopt that line of policy which true wisdom would suggest. It seemed to be forgotten by the agriculturists, that a change even now appeared to be approaching. If the present prices continued, we should soon have the bonded wheat in the market; and what would the agriculturists say then? If the average should prove to be beyond 70*s.* (and it had occasionally been even 74*s.*) in would come the bonded wheat; and should we then hear the right hon. gentleman talk of the prosperity of agriculture? He believed not. He recollected that, on the first day of the session, the hon. gentleman who moved the Address, attributed the flourishing state of the country to a superior being. He imagined the hon. gentleman did not mean any one of his majesty's ministers, although he supposed they were considered superior beings. What the hon. gentleman meant, he supposed, was, that the prosperity was not owing to natural causes. The right hon. the chancellor of the Exchequer, in his speech the other night, gave the credit of the improvement elsewhere. The right hon. gentleman had introduced two topics into his speech, which certainly did not bear very closely on the question. He went a little out of his way to defend two calumniated characters—the emperor Francis, and the House of Commons. With respect to the emperor Francis, he had certainly had something to do with the prosperity of the country; for he had transmitted to us two millions five hundred thousand pounds, in full payment for a debt, the amount of which, principal and interest, was stated, in a speech made two sessions ago by the hon. member for Buckinghamshire, to be twenty-one millions and a half. With respect to the other calumniated character, of course in the situation in which he was placed, he could not speak as he felt of that House which at present existed—for he could not suppose that it would "sit attentive to its own applause." Not that House of Commons, therefore, but the House of Commons—a House of Commons in which the right right hon. gentleman himself had sat—had actually sanctioned the imposition on the country, of every part of that system which the right hon. gentleman now proposed to abrogate and annul. And yet the right hon. gentleman had gone out of his way to declare, that the people were under great obligations to the House of Commons for getting them out of their difficulties. The merit, after all, was very trifling. For what was it. After the people of England, with a patience, a long suffering, and an endurance, which no nation had ever before exhibited under such circumstances, had allowed themselves to be taxed, not in their luxuries merely—not in their comforts merely—but to the very destruction of existence (for many of our fellow-countrymen had died under the infliction), the chancellor of the Exchequer came forward and said—"we will not continue the pressure; we will not, after the nation has been at peace for nine years, tax you as if we had been at war for nine years; and we have no hesitation in making such a proposition to that kind, paternal parliament, to whom you are so deeply indebted for relief from your difficulties." He would take the liberty to say, that he had heard the right hon. gentleman assign a much more rational cause for the prosperity of the country, not in the present, but during the last year. His words were, "that the increase of commerce abroad, and the increase of commerce at home, were principally owing to the increasing ease and comfort of the people." True; they were so. But, could the right hon. gentleman honestly, and with the high character which he maintained, and no doubt always would maintain, say that the ease and comfort of the people were attributable to parliament? [The chancellor of the Exchequer nodded in the affirmative.] The right hon. gentleman thought that they were. He (Mr. H.) thought that they were not. Let the right hon. gentleman produce his proofs: let him bring into detailed examination the whole course of the national burthens and taxation; and where the right hon. gentleman could trace one benefit enjoyed by the people to parliament, he pledged himself that he would trace two or more to the people themselves. The fact was that, owing to the acquiescence of parliament, government had for so many years had their hands in the pockets of the people, that they quite forgot to whom the property which they were taking actually belonged; so that when a remission of taxation took place, they talked of it as if it were a boon to the country, and as if they were making a free gift to the people, as a reward for their good, decent, kind, orderly, complaisant conduct; and not as if they were merely abstaining from taking that which was the undoubted property of the people themselves [hear hear]. The late lord Londonderry had more than once declared in that House, that the reduction of further taxation was impossible; and that if any further taxes were taken off, he would resign. The late chancellor of the Exchequer, Mr. Vansittart, had said, on a motion for a repeal of agricultural horse tax, that that motion was the commencement of an assault on the finances of the country, and that if it were carried, it would be impossible for him to keep his place. Thus, the king's ministers had always declared that nothing could be done in the way of repealing taxes. Fortunately, however, it was found, that some relief to the people could be afforded in the way of repealing taxes. Nay, he was one of those who thought that much further relief might, in the same manner, be afforded, It had been said, that the country was recovering from its difficulties. If the fact were so, was it to the ministers that the amendment was to be ascribed? No. To the native health and vigour of the nation was the recovery to be ascribed. It was a piece of shameful presumption on the part of ministers, to take credit to themselves for that recovery, to apply the praise which was due to the patient to those who had caused his disease. The statement of the right hon. the chancellor of the Exchequer was not the bringing forward of the budget for the year; it went further; it was in the nature of a scheme of the finances of the country, to be acted upon up to the year 1827; from which this fact was clearly to be inferred, that during that period at least no further reduction of taxes was to be expected. He was glad to find that the right hon. gentleman, had in some degree, altered part of our commercial regulations. The right hon. gentleman seemed to see that it was impossible for this country to disconnect herself from the rest of Europe. The right hon. gentleman in very beautiful and poetic language, had talked of the cords which bound down the commerce of the country. By whom, he would ask, were those cords twisted together, where, but in that House? The right hon. gentleman had, in the same strain, alluded to the golden idol of prejudice. But, where was that idol most devoutly worshipped? By whom were its altars endowed? Where did it find so many worshippers as in that House? The right hon. gentleman found his admirers and his supporters in that House, as did all his predecessors. Of that idol it might be said, as of other idols—

> " Of whatsoe'er descent the godhead be,
> A stock, a stone, or homely pedigree,
> In his defence his servants are as bold
> As if he had been formed of beaten gold."

He hoped the right hon. gentleman would recollect, that it was not in that House alone that his conduct was to be judged of. He should recollect, that although there was one dark spot in the country—he meant that House—yet that outside its doors a beam of light had shone around; that the people were able to judge of public transactions and of public men; and that they were not likely to submit in silence to the future mal-administration of their affairs. The chancellor of the Exchequer had estimated a surplus of 4,135,099*l.* at the end of his five years' computation: but the Austrian loan, which became available in a small repayment, was to be diverted from any channel of relief for the people. The taxes, also, which the government had consented to reduce, were not considered as the most pressing by the people at large. For instance, they had heard that night, that petitions were numerously preparing in Yorkshire against the repeal of the wool-tax. They had also a notice from the hon. member for Coventry, that he would have a quantity of petitions to present against the reduction of the silk duty. It was odd that these attempts at relief created nothing but dissatisfaction the country did not seem sensible of the intended favour. The taxes which the right hon. gentleman proposed to repeal would not give relief to the great body of the people. He would take, for instance, the repeal of the duty on silk. How few of the great body of the people would gain by the repeal of those duties. The reduction might operate on the higher orders; it might benefit them, but on the lower class, who ought to be the natural objects of relief, it would scarcely have any effect. It might indeed, and would, in reference to our commercial system, have, at a future time, a good effect; but it would produce on the great body of the people, no present benefit. The plan of the right hon. gentleman for years, at least, was intended to be permanent. If the House, therefore, intended to make a stand for the reduction of taxes, now was the time. If the House did not make a stand at that critical moment, they could afterwards have little hope of effecting so desirable an object. The right hon. gentleman had stated to the House, that in 1827 he would have a surplus of 4,135,099*l*. It did not appear that that sum was to be disposed of by government, to effect an object so vulgar as the repeal of taxes: He entirely concurred in the principle of the improved commercial policy, from which these reductions emanated; but still he contended that there were other and better reductions, more suited to the actual wants and expectations of the country. He must repeat his dislike to the announced application of so large a part of the Austrian repayment, for what the minister might call a little agreeable, pleasing scheme of architectural improvement. It looked as if the right hon. gentleman thought that the people were too rich to be offered this portion of their money which they had lent—that they were too religious, too monarchical, too grateful to church and state, to forego this opportunity of building new churches, and repairing ancient palaces—that they wished any thing to be done with the cash which had been called a God-send; rather than that it should be forced back into their own pockets. This was well enough imagined of a people who had paid, according to a calculation which baffled credibility and bewildered the imagination, during the last thirty years, in taxes and loans, the enormous sum of two millions of millions of pounds. A part of the surplus was it seemed, intended to be laid out in building churches. But, did the people want churches? He was ready to agree with the chancellor of the Exchequer, that if places of worship were wanted, it was the duty of government to find them. An hon. member of that House (Mr. John Smith) had said on a former evening, that as long as one man in the country was oppressed with taxes, he would not consent to the appropriation of any sum of money to the building of churches. He concurred with the hon. member: he considered the appropriation of the public money to such an object a profligate expenditure. Religious as he really believed the people of England to be, he yet hoped, that they would not elect any gentleman who should vote for so profligate a grant of their money. The right hon. gentleman had certainly been very unfortunate in the time he had selected for the appropriation of the money of the people to the uses of the church. The church did not want it. There was, unfortunately, a feeling abroad, that, by some accident or other, the interests of the church did not go hand in hand with the interests of the people. To show how little had been gained by the building of new churches, he would state what he had heard on the authority of a friend of his who had a pew at Mary-la-bonne church. His friend had assured him, that, since the building of the new church at Mary-la-bonne, the pews in the old church had doubled and even trebled in point of price, and the parish rates had increased 25 per cent; and all this, after the expenditure of so much of the public money in the building of churches!—Reverting to the Austrian loan, he begged to remind the House of a declaration made by Mr. Pitt, in his place in that House. Mr. Pitt had said, that the Emperor of Austria might be sued in his own courts for the amount of that loan, and that mortgage bonds to the amount of four millions had been lodged in the bank of England to the credit of that loan. It was not until the year 1818, that the discovery was made, that this loan was not to be considered as in the nature of a debt. At all events, the repayment ought to go in the reduction of taxes. Let the House see what would be the situation of the country in the year 1827. They would have, according to the present scale, to raise 54,577,654*l.* out of the pockets of the people. In his opinion, that was a sum that ought not be taken from the people; it was more than was necessary; it was more than they could afford to pay. It was considered necessary by ministers to keep up the sinking fund—he thought most unwisely. If they would do away with that fund, they could instantly apply the amount in reducing the taxes. The taxes which in his judgment ought to be reduced above all others, were the assessed taxes, because they were most felt by the people. Out of the fifty five millions of taxes which were raised, fifty millions were raised without observation; but the remaining five millions created perpetual harassing and discontent by means of the surcharges. After the diminution of the tax of the last year, it would be recollected, that those surcharges had created a great sensation throughout the country. They were of a nature so vexatious as to make it impossible for the people to submit to them. He held in his hand a pamphlet written by a gentleman who was himself a commissioner of taxes, who had stated, that he had often sat as commissioner, and seen decisions made by a very small majority, and departed from in a few days after by the very same commissioners. Such were the uncertain, the inconsistent, the harassing consequences of that tax; and such consequences were likely to take place as long as the government continued to preserve the system. The question was, whether the inhabitants of this country were to be well or ill lodged—not only at this moment, but from the beginning to the end of their existence? In many instances 100 per cent on the rent was actually paid in the house and window tax. In some cases it was even more. There was a whole street in Bath, where the houses let for 32*l.* per annum, and where the king's taxes amounted to no less than 34*l.* per annum. It was to be observed, that this duty had been originally given as a commutation for others—such as the tax upon tea; but it was not a little remarkable, that the tea-tax had been renewed, continued, and enormously increased; for it had been since raised from 12 per cent. to 100 per cent, and not one shilling of the house and window duty had, on that account, been relinquished. In the year 1798, when there was a triple assessment and when Mr. Pitt told the House, that unless it consented to that measure the nation must succumb to France—the house and window tax amounted to 1,478,000*l.*—little more than the sum at present collected. There was another objection which he had to make to this tax, even in its present state; namely, that it was always inexpedient to retain any part of a tax, the whole of which might be done away with. It was keeping up the scaffolding, and preparing for any thing that might follow. What struggles had occurred regarding the salt duties; and it seemed almost as if they were to be continued, for the chancellor of the Exchequer was still anxious to cling to the last relic of the impost. A great many objections might be reasonably urged to the house and window tax. It was not only inquisitorial, but it deprived the labouring classes of those main sources of health and strength—the light and air. True it was that a reduction, or a supposed reduction, had been made in 1823; but the people had received little benefit therefrom; for such had been the vigilance of the surchargers, urged on by the premium held out to them in the Treasury minute, that it was a fact, that, in Westminster, some of his constituents actually now paid more than they did before. This effect had been produced by the surchargers finding out some back windows that before had escaped attention, and by compelling the tenants to pay for miserable lights belonging to cellars, or more properly subterranean dungeons, and which were only just sufficient to exhibit the squalid wretchedness of the inhabitants. The chancellor of the Exchequer had said, that to make the advantages of his reduction more generally felt, the basement stories of houses, used as shops, should not be charged; but his intention in this respect had been frustrated, for the surchargers, whenever they could find a window at the back of such shops, or which was not actually used for the purpose of displaying goods for sale, never failed to charge for it. He might, he thought, fairly ask for the repeal of the whole of the assessed taxes; but he knew there were a great number of individuals who had a respect for what they called the sinking fund (but which he believed to be a fallacy), and who would not concur in a project which they fancied might affect the public credit. He should therefore only go for a reduction of 1,205,000*l.* Not but that he thought, from the right hon. gentleman's own statement with respect to the house-tax, that it also might be taken off. There had already been an increase in the revenue. There could be no doubt that the impulse which the reduction of this tax would give to building, would add to this increase; and when it was considered, how large a portion of the sums spent in building was paid in taxes, he could not doubt that the revenue would be benefitted by the proposed measure. He was quite willing that the repeal proposed by the right hon. gentleman of the duties on rum, silk, and coals, should be tried by way of experiment; but he could see no reason for that on wool. Even the hon. member for Yorkshire, who represented a great wool county, had said, that the people could wait for this: he (Mr. H.) also said, let them wait, and let objects of more general importance precede it. Against the proposed reduction of the duty on coals, his only objection was, that it was insufficient. So small was it, that the right hon. gentleman had no right to call it a relief of the public burthens. Its total amount was 100,000*l.*; and this saving was not to come to the public, until after it had passed through the hands of all the dealers, wholesale and retail.—But, to return to the subject of the reduction which he had to propose. The total repeal of the window-tax which he proposed would amount to 1,205,000*l.*; the duties proposed to be repealed by the right hon. gentleman, and to which he (Mr. H.) had no objection, were 712,000*l.*, making a total of 1,917,000*l.* This he thought was a very moderate demand from one who thought the whole of the assessed taxes might and ought to be repealed. According to the statement of the chancellor of the Exchequer, 700,000*l.* of the money received on account of the Austrian loan, was to be devoted to the estimates of 1823, and the balance was to be spread over the three ensuing years. But why, he asked, was not the whole to be applied to the expenditure of the next year? It was quite a new thing in the country's system of finance, that the budget should be made for three years. Why should not that which the right hon. gentleman called a "God-send" the sum with—which the emperor of Austria had paid a dividend of 2*s.* 6*d.* in the pound upon his debt to this country—be applied at once to the reduction of the taxes? A part of this money was destined for the repairs said to be necessary at Windsor Castle. If his majesty wished to embark in the repairs of this palace, to which no one had any objection, why were not such palaces as those of Kew and Richmond, to which every body objected, pulled down? But it appeared that a committee was to be appointed, under whose direction these repairs were to be performed. He knew that if a proposal had been made on his side of the House to prevent his majesty from playing the——he would not say what, it would at least have been thought, by the gentlemen on the other side, a very scurvy one. But how long would these repairs take? Would they be completed before the arrival of that period, at which the country might be deprived of the services of his majesty in governing it? They would at least take five or six years [a laugh]. He really had no wish to treat this subject indecorously, but he could not help making these observations, because it had been whispered that the sole object in commencing the repairs at Windsor Castle was, that such was his majesty's wish; and it was said moreover, although he did not pretend to know anything of the secrets of the cabinet, that if it had not been for the proposed alterations of this palace, we should have had more churches. Surely, the public money ought not to be thus wantonly expended at a time when the people had a right to expect a diminution of their burthens! Adding then 150,000*l.* as the estimate for the repairs of Windsor Castle, there would still be needed a further sum to complete the whole reduction of 1,205,000*l.*; and for this he would propose the adoption of the plan of the hon. member for Abingdon; namely, the taking off the tax upon beer, and putting it upon malt, by which there would be a gain to the country of 280,000*l.* Those, therefore, who were the most strongly in favour of the sinking fund might safely support his project; for he wished to do nothing that would touch it.

Having thus gone through such calculations as were necessary, he called upon the House, but especially upon the country gentlemen, to give him their support, for the whole population claimed a reduction of the taxes. When their own particular interests were concerned, the country gentlemen had vehemently withstood the ministers of the Crown; and they could scarcely do less when the interests of the whole community were involved. The chancellor of the Exchequer had declared that the people of England were grateful: it was true; they were grateful for real benefits conferred. They had received some benefits unquestionably; but not so many as they had expected, and as they had a right to expect. If ministers did not come forward with some more palatable proposal for lessening the weight which still pressed heavily upon all classes, they would find that they had grievously disappointed the country, and instead of the people being grateful for the benefits they had received, they would be wrathful that they had received no more. The servants of the Crown, from the tenor of the speech of the right hon. gentleman, seemed to rely upon the concurrence of the great mass of the population; but as it would soon be found that they had disappointed the people, so they, in their turn, would be disappointed in the support of the people; and opposition would be given to the measures of government, not merely from one side of the House, but from all classes throughout the kingdom. After apologising for the length of time he had occupied, the hon. gentleman moved,

1. "That it appears to this House, that the reduction of taxes proposed by his majesty's chancellor of the Exchequer, is not such as to satisfy the just expectations of the people.

2. "That the window-tax is unjust, unequal in its operation, and most oppressive to the least opulent portion of the community; and that it appears to this House that the said tax should, from the 5th of next April, be totally and immediately repealed."

Mr. *Maberly* rose for the purpose of submitting to the House some observations on this subject. He thought it was extremely important, because the proposal submitted to the House by the right hon. the chancellor of the Exchequer, was not for one year, but for four; and no further reduction of the public burthens could be looked for by the people during that period. He was particularly desirous to guard himself against any misconstruction, or a charge of inconstancy, with respect to what had fallen from him on a former evening, and what he should have to offer on the present occasion. When the right hon. gentleman had submitted to the House his view of the state of the public finances, he (Mr. M.) had said, that he thought that view was a fair one, and that the nation's prosperity was rather under than over-rated in it. With respect to the taxes which it was then proposed to repeal, he had stated his concurrence in the general principle of reduction, but had reserved to himself the right of pronouncing upon the details when they should come in discussion before the House. With respect to the repeal of bounties, he fully concurred with the right hon. gentleman; and he thought that it was a mild and a judicious course to spread the proposed reduction over a period of ten years. Having offered thus much in explanation, he hoped he should not be deemed inconsistent in seconding the present motion, because in the former debate he had stated, that he did not think the proposed reductions adequate to the circumstances of the country, and the well-grounded expectations of the people. He was prepared to contend, that relief from taxation ought to be afforded on a much more extensive scale, and to that point he would now direct his observations. The continuance of a tax, where there existed a substitute, he had no hesitation in saying he considered a grievance to the people. When, therefore, on an evening subsequent to Monday, the 23rd ult. the House was about to resolve itself into a Committee of Supply, he had come down to his place with the intention of opposing the motion that the Speaker should leave the Chair, because he had intended to take that opportunity of stating his views upon these important subjects. The chancellor of the Exchequer, however, had not received any notice of such an intention, and as he was not then prepared to enter into the question, he requested him (Mr. M.) to postpone his statement until the present occasion. With this request he had given a ready compliance. Perhaps it was better that he had done so, for he could hardly have chosen a fitter occasion than was afforded by the present motion, for intreating the House to come to a decision upon the scheme of finance for four years. After the present night the public would be able to see upon what they might depend. He concurred entirely with the hon. member for Westminster, in the view he had taken of the particular measure to which the attention of the House had been called. The reduction of the window-tax would afford the greatest relief to the country, which had a claim for nothing less. He believed also, that the House might with the utmost safety repeal the whole of the assessed taxes. But here again, like the hon. member for Westminster, he was not disposed to push the matter so far. After what had been already said, he should not go much into detail, to shew that the window-tax was highly objectionable on various grounds; but he should refer upon this point, in the first place, to a return upon the table on the subject of surcharges. Of all modes of augmenting the revenue, this seemed the most odious and offensive, although it had been undertaken under the authority of a Treasury minute. He would venture to assert, that if the commissioners of taxes had continued to survey and to make surcharges upon the inhabitants of the houses surveyed, petitions against the course pursued would have been presented to parliament from every town in the empire. Under the orders of the Treasury, however, the commissioners had been arrested in their progress, at least as far as the window duty was concerned; but those commissioners were still at liberty to proceed with their surveys and surcharges for the house duty. In all probability, before the present year was concluded, they would proceed, and the surcharges would be continued, in the most vexatious manner.—In noticing briefly the many objections to the window-tax, he might properly begin by observing, that he was persuaded the repeal of it would bring home a great many families now residing abroad. It was well-known that house rent on the continent was much cheaper than in England; and if by the abrogation of this law, it were reduced in this country, persons now spending their fortunes abroad, would disperse their money among their own countrymen, and thus at once benefit the revenue and the public. The house and window tax occasioned a great want of comfort among the lower, and even among the middling classes of society. The compressing of so many living beings into small spaces, produced many diseases, and diseases brought with them other injurious consequences. Morality had always been a most important feature in the legislation of this kingdom; but it could not be denied that, the morals of the labouring classes were most materially injured by the effects of the taxes now under review. All who had visited cottages in the country, were aware that one room often contained grown up people of both sexes; so that under such circumstances, regularity and purity could not be expected. If these imposts were removed, buildings would increase, artisans would necessarily be employed, work would be afforded to the idle, and an additional consumption occasioned of our produce and manufactures. The chancellor of the Exchequer might, perhaps, think these considerations of little or no importance; but in his (Mr. M.'s) view of the question, they ought to be contemplated, in the first instance, as the most cogent reasons for carrying the motion now before the House.—What, then, was the argument of those who supported and defended an adherence to this and to other taxes? That they were necessary for the purpose of upholding public credit. This reply had been often before made; it had been made when the marquis of Londonderry and the chancellor of the Exchequer of that day declared, that no more taxes could be repealed, and that ministers had done all that was possible in the way of alleviating the public burthens, without endangering public credit. Nevertheless, the House of Commons having expressed a decided opinion in favour of further reductions, the servants of the Crown consented to relinquish some further taxes, notwithstanding their previous declarations. These were inconsistencies that would hardly have been believed by those who had not witnessed them. Still, the ministers had managed to maintain public credit; and they would no doubt be able to do so now, after the proposed further reduction.—He would just state how far he concurred with the chancellor of the Exchequer and where he differed from him, and leave the House to decide between the two plans for the diminution of taxation. Let them look at what the right hon. gent. calculated would be the produce of the revenue, as compared with the expenditure: there would be a surplus in the ensuing four years of 4,135,000*l.* of which, indeed, 2,200,000*l.* was from the repayment of the loan from Austria. As to this sum from Austria, however, no sooner had the right hon. gentleman got it, than he seemed to be at a loss what to do with it. The money, according to the vulger phrase, seemed "to burn in his pocket." Now, he contended that, in the state of the country—he would not call it distress, for undoubtedly it was in a state of very considerable prosperity;—but after all its exertions it was necessarily a state of privation; they had not a right to take from the country a shilling more than was absolutely necessary to pay the public creditor, and to uphold the establishments which were required for the security of the country. They had no more right to take from the people money to augment the sinking fund, the principle of which they had already departed from, than they had to waste the public money for any other purpose whatever. But, besides the sinking fund there was a large amount of miscellaneous estimates. The first item of these estimates was a sum of 500,000*l.* for building of Churches. On what grounds was this vote justified? Had they had petitions from the people for churches [hear!]? Had they had petitions for a single church? He was in the habit of attending at the time when petitions were usually presented, and he had heard of none. If the chancellor of the Exchequer should offer them any grounds (as yet he had offered none) for building these churches, why should they not, as had been suggested by a right hon. baronet, act as they had done in Ireland—*lend* the church the money? There might be a period in which they might afford to give money to the church, but it was not the present. He should go to the next item, which was 300,000*l.* for the repair of Windsor Castle. He was as well disposed as any man to see the monarch of this country lodged most magnificently; but it was worthy of consideration, whether, out of the useless palaces belonging to the Crown, the means could not be found of providing one magnificent residence, without taking the money from the pockets of the people. He had no doubt there could. The next item on which he should remark was, the sum appropriated to the Sinking Fund; which was calculated at upwards of five millions for the four next years, and which was all taken out of the pockets of the people by taxation.—He should now advert to the sums which would be saved, if, instead of raising this sum to support public credit, taxes to a corresponding amount were given up. There would be a saving, if the assessed taxes were given up, of 300,000*l.* in the collection of the revenue, which would be a relief to that amount to the public, over and above the defalcation from the payments into the Exchequer. But, besides this reduction, now that the finances of a country were conducted on a system—a thing never thought of by the right hon. gentleman's predecessors—he should suggest another item of saving on collection, which could be effected without any loss to the Exchequer. According to the present way in which the duties on malt and beer were collected, the collection of the tax on malt cost 140,000*l.*, the collection of the beer-tax 240,000*l.* Now, by taking off the beer-tax, and increasing the tax on malt in a proportion to cover the deficiency, the whole tax could be collected for 140,000*l.*, as at present; for not one additional public servant would be required beyond those who were at present employed in the collection of the malt-duty, because the same measuring and surveying was required whether the duty was 10*s.* or 20s., and the only additional trouble was to write one figure instead of the other. Without calculating, therefore, the effect which must be produced on the consumption of malt, by leaving the business of brewing free, there would be a saving of 280,000*l.* a year, all of which would accrue directly to the Exchequer, and there would be this additional advantage, that the tax on malt would fall equally on the poor and on the rich, while the tax on beer exonerated the rich to burthen the poor. This was contrary to every principle of justice or equity; and he did hope, that when he should have the honour of bringing this subject before the House, they would remedy an evil so palpable; for if the revenue were to remain, even upon its present footing, it ought to be raised, as well as collected, upon proper and equitable principles. Taking the various items that had been submitted to the House altogether, he understood, that the income of the country would be such as would give ministers, for the four years in question, a power of annually reducing taxes; and the amount of this reduction might be between six and seven millions. But, to the proposition of further reduction, the resistance made by government seemed to be founded upon this determination on their part—"We will have a sinking fund." Surely, however, his majesty's ministers, before they came down to parliament and asked for a sinking fund for four years, ought to inquire, and consider whether there was no measure within their reach which might, with more advantage to the people, sustain public credit—nay, which might satiate those gentlemen whose anxiety for public credit made them, at present, the warmest supporters of a sinking fund. By the measure which he would propose, they might take every Exchequer bill out of the market; whereas, in the event of a war, for instance, government would have to fund those very Exchequer bills; and suppose they were to be funded at 75, the loss to the country would be about seven millions. This measure was the sale of the land-tax [hear]. The House was aware, that in the time of Mr. Pitt, the government did, by what was perhaps then an unjust act of parliament, assign away from the income of the country two millions of the land-tax for ever. With the motives or causes of that act, he had nothing to do. He wanted it to be now put in force, on fair and proper principles. The preamble of the act recited, that the bill was passed to sustain public credit; and he now called upon ministers; to apply it for such a space of time as might be sufficient to attain all the vast benefits that he was sure might be derived from it. If the right hon. gentleman would only make some slight alteration in the act; if he would put a fair and proper price upon the redemption of the tax; it would be sold to the extent of about forty millions. There could be no doubt that it would be sold to that amount; and if by such a measure government were enabled to take forty millions of stock out of the market, could any one doubt how immensely such an operation must raise public credit? Must it not do so upon that very principle which had of late been so strenuously contended for within those walls—that the supply and the demand always bore in the market a relative and exact proportion to each other? It was clear, therefore, that public credit would rise, in the same ratio that the aggregate amount of government-stock decreased. The measure he spoke of would give to the right hon. gentleman the uncontrolled power of selling the land-tax to this enormous extent, and to a still greater extent, if they were to add to it, as a fair inducement to the purchaser, all those rights and privileges which would increase, of necessity, the value of the purchase; namely, the rights accompanying land itself and its possession; such as those of returning members to parliament, killing game, eligibility to the magistracy. The tax so redeemed, would increase in value, in proportion as there might be added to it the benefit of those additional privileges to the holder which would attach to the land. It did appear to him, that if the sale of the land-tax should be thus effected, public credit (and he put it to the right hon. gentleman himself whether this was not evident) would be sufficiently sustained without any sinking fund. There could not be the objection to this plan, that there would be too great a hazard to the revenue. But if this objection was felt, let ministers, he would say, carry the sale of this tax before they proceeded to any reduction of the others. If this sale could be effected, let the taxes be reduced subsequently, when the result of the sale should be known. He could assure the right hon. gentleman, that if he would give to this subject that careful attention which he was so capable of bestowing, he would find that he would speedily be able to come down to the House and propose a reduction of taxation. If the right hon. gentleman, meanwhile, would only pledge himself to consider the matter with that care which it demanded, he would not press him to make such reduction, until after the measure of selling this tax should have been effected. He could not think that he was pressing the right hon. gentleman unfairly; but if the right hon. gentleman thought so, at least let the proposition go to a committee. Surely, however, he had no right to leave the proposal altogether untried, and the act altogether inoperative, while the people were taxed to the amount of five millions a year to support the sinking fund. He did think that his proposition in its results, would cause the people to enjoy a much greater share of happiness, and public credit to be much better sustained, than any other plan that had yet been submitted to parliament. It would also make his majesty's ministers, he would here observe, more popular. At the same time, he admitted that the reduction of taxes already made had been an honest one, as far as it went; for it had proceeded upon principle. The government might have gone further, however, and have reduced more of the assessed taxes. Still as they had acted upon principle, he should feel bound to give them his warmest support in the several details of their plan. Convinced he was, that by following the plan which he now suggested, the ministry would render themselves the most popular government that ever existed in this country—popular, not in the sense of catching at fictitious applause, but as being secure in the rational and well-grounded approbation of all classes. Until, however, some pledge should be given for the consideration of the plan which he had suggested, he should feel himself bound to support the motion.

The *Chancellor of the Exchequer* said, he could not but regret to find that he was that evening placed in rather a peculiar situation; for it had become his duty, not only to defend the propositions which he had on a former night submitted to the House, but also to assign the grounds upon which he could not acquiesce in either of the two plans that had been brought forward by the hon. members for Westminster and Abingdon. He trusted, however, that what he should have to observe upon this occasion would justify the ground he had taken on a former evening, and satisfy the House, that no reasons had been shewn why he should accede to the suggestions submitted by those honourable gentlemen. The question now was, not whether taxes should increase, or whether existing taxes should be maintained, but whether one of two particular modes of proceeding should be adopted, by way of giving relief to the people—it being admitted upon all hands, that a certain amount of taxes should be repealed. It was obvious that this statement narrowed the question between himself and the two hon. gentlemen opposite very considerably. But, before he proceeded to answer the hon. member for Westminster, it might be convenient that he should reply to the speech of the hon. member who had just sat down. From that hon. gentleman's speech he did not very clearly collect, whether he meant to support the motion of the hon. member for Westminster or not. The hon. gentleman had, however, admitted his belief, that the propositions which he (the chancellor of the Exchequer) had submitted to the House a week ago, were right in themselves, and he was obliged to that hon. gentleman for the justice that he had done him. But then the hon. gentleman wished to superinduce upon those propositions, an additional reduction of taxes, in the way and by the means that he had just stated to the House; such additional reduction, therefore, being contingent and dependent upon the result of a certain plan—namely a plan for facilitating the operation of the sale of the land-tax. The hon. gentleman had said, that if his majesty's government would undertake to look thoroughly into this subject (the practicability of giving greater efficacy to the bill for the redemption of the land-tax), they would find his plan an efficient one; and that if it succeeded, they would be enabled to raise public credit, and relieve the people very considerably. Now, it appeared to him that, upon the hon. gentleman's own plan, he could not consistently support the motion of the hon. member for Westminster; because he could not foresee the precise operation of his own plan, upon which the reduction of taxes was to be dependent. Nor would the House forget that this plan of reducing taxation by the sale of the land-tax was last year submitted to the House in great detail by the hon. gentleman, who was not fortunate enough then to meet with much support. The hon. gentleman, therefore, was building on a very slender foundation indeed, if he thought he could now persuade the House to believe, not merely in the practicability, but also in the efficacy of his plan. For aught that he knew, the hon. member's plan might be a very good one in itself. It seemed intended to infuse more life into the provisions of the statute adverted to, and to give more activity to their operation. He was not prepared to say, that some reasonable measure of this kind should not be resorted to; or that, taken by itself, a plan might not be a very proper one, that was intended to give efficacy to the law respecting the redemption of the land-tax. But, what he hoped was, that the House would not be persuaded, that to give greater efficacy to it would necessarily lead to the consequences which the hon. gentleman anticipated; for, the circumstances under which the operation of the act was now going on—going on at a very slow rate, certainly—were diametrically opposite to those under which it had begun. At that time the price of stock was low, and that of land improving; and he could easily understand that then a party could raise money upon his land with so much facility that he would willingly transfer stock in order to redeem his land-tax. But, the state of things was now different; for although agriculture had of late considerably recovered, there was no such inducement to tempt parties to make that exchange of property at present, which existed when the law was framed. It was not very clear to him, therefore, that any inducement could now be easily held out to the people, that would have the effect of giving an accelerated motion to the operation of the land-tax act. The hon. gentleman had estimated, that by the operation of his own scheme, thirty or forty millions of stock might be withdrawn from the market. But, if this effect should not take place, then the result anticipated by the hon. gentleman as to a large reduction of taxes would be destroyed. He was therefore not prepared to assent to the hon. gentleman's reasoning upon this matter; and as little to the hon. member for Westminster's reasoning upon the same subject of reducing taxes, to which latter, he would now address himself. The hon. gentleman had prefaced his motion with a great number of remarks, some of which did not appear to be strictly applicable. That hon. member thought, that when he (the chancellor of the Exchequer) was expressing an opinion (which he most sincerely felt), that it must be to parliament a most gratifying circumstance to look round upon the state of the country, and witness the improvement that had lately manifested itself in the affairs of this nation, he had been guilty of a great omission. The improvement in our condition, to be sure, was beyond the most sanguine expectations of gentlemen, and he must be allowed to say, beyond those in particular of the hon. member for Westminster himself; for although that hon. member had frequently dilated on the miseries of the country, he had never been heard to say, that they might look forward to the moment when the country should be relieved; or at least he had never anticipated any such relief, except through certain measures which he seemed to look to, with other hon. gentlemen, as the sovereign *panacea* for all the evils with which the kingdom might be afflicted. But that hon. member conceived, that because he (the chancellor of the Exchequer) had ventured to pay a just compliment to the conduct and wisdom of parliament, he had therefore overlooked all the merit due to the people, for the patience which they had shown under suffering—the energy they had displayed in action—and the firmness and manly virtues which for ages had characterised the people of England. He hoped, however, that he should never be so ungrateful to that people, or so unmindful of the sacrifices they had made, as not to offer to them every acknowledgment, which he was ready at all times humbly to tender them, for those vast exertions, without which the unassisted power of parliament could never have attained its objects. He had frequently expressed this sentiment before; and in an especial manner in the very speech to which the hon. gentleman had alluded, who had that night argued upon the disappointment which the speech in question had produced throughout the country; saying, that much more was expected; that it was so framed as to hold out to the public nothing better than the melancholy prospect of the government not being able to calculate upon any further reduction of taxes during the next four years. He was himself aware, that the propositions submitted by him on a former night might not prove what was generally termed popular; but he could never deem it to be consistent with the duty of a minister holding the situation which he filled, to overlook those great principles by which our commerce and our finances were to be governed, merely for the sake of obtaining a popularity that would confer upon him no solid credit, and produce to the country no lasting good. He was also entitled to assume, from the very fact of the unpopularity of those propositions—(a fact, indeed, of which he felt by no means assured)—that his majesty's ministers could have had no other object, in the course they had taken, but that of carrying into practice, according to the best information to be derived from research and experience, sound and enlightened principles of government and commerce, which every man who had reflected or observed upon the subject, on the one side of the House or on the other, in that House or out of it, in England or in any other country, had admitted to be most essential to the interest and the welfare of nations. The hon. member for Westminster, having done justice to his motives, had argued, that his propositions were not calculated to gratify the just expectations of the people. If this had been the first moment in which the remission of taxes had been proposed, he (the chancellor of the Exchequer) should not have been surprised if it had been thought that in their scheme of relief, government were beginning at the wrong end. But the hon. gentleman must surely have forgotten what had been already done under this very head of the assessed taxes—that within the last three years, parliament had repealed three millions, including the whole of the assessed taxes of Ireland. It must have been forgotten, also, that in respect of other branches of the revenue, arising from taxes that bore most oppressively on the poor—the salt and malt, and leather taxes, for example—parliament had repealed upwards of three millions. The hon. gentleman seemed likewise to forget, that during the last session, parliament had sacrificed, in consideration of the distresses of the country, 800,000*l*. duties on the distillation of spirits in Ireland. Every thing could not be done at once; or if it were, every thing would soon be thrown into confusion. If, in respect to the salt, and malt, and leather duties, parliament had shown a disposition—(and whether that disposition was voluntary or forced upon them, was not necessary to this discussion)—to relieve the most pressing wants of the people, it was too much that they should be charged with an indifference to them or to their wishes. If, at some future moment, government should come down to the House, and wishing to effect a still further reduction of taxation, should say to parliament, "Aid us to accomplish this measure," it it would be found, that a firm and steady adherence to the same principles that had hitherto guided their conduct, would enable parliament—and he would venture to say at no distant period—to effect such further reduction in the taxes now paid by the people. It was because he thought that by adopting the course which they were about to pursue, parliament had ascended the first step in the ladder that would lead to the desired result; he now expressed his earnest hope, that gentlemen would not allow themselves to be run away with by any proposition like that of the hon. member for Westminster, for the sake of becoming popular among their constituents: he hoped they would take a wider range in their political conduct.—He had now to advert to that part of the hon. member's speech, in which government was said to have excluded from the public every chance of a further reduction of taxation. He (the chancellor of the Exchequer) had proceeded upon the view that he had taken, extending as it did over a period of four years, because he did not wish that they should go too fast; for, if they did, they would be driven back from their object; they would be doing mischief instead of good. He, therefore, had not calculated too far, but had proceeded upon the inevitable consequences that he deduced from the improvement in the state of the country, aided as it was by the reduction which had taken place in taxes. He admitted—and no man did so more readily than himself—that to reduce taxes was to do a positive good; and by increasing the property of the country, perhaps to prevent their future imposition. But, no one who exercised the foresight which a minister ought to possess, could calculate on the benefits to arise from such a reduction being so immediately consequent on the act as the hon. gentleman seemed to suppose. Now, as to the reduction of the taxes last year, it was hardly to be doubted that the effect would be, to increase the revenue; but, on mere vain conjecture, he could assign no fixed definite period at which that increase would take place; and therefore he had explained on a former night, that his view of the state of the finances of the country at the end of four years was conditional on this—namely, in case the revenues of the country did not increase, and the expenditure should not be diminished; but he could not be understood as saying, that our revenue had not increased, or our expenditure had not diminished. The hon. gentleman had mistaken the way in which he had explained the surplus the country was likely to possess, and had thought he was wrong in his view of that surplus, because he had taken into consideration that portion of the money received from Austria which was not appropriated. But, if they did not make the receipt of that money available for any purpose of expenditure, it was clear that it must go to the surplus revenue. He had stated to the House, that nothing would be deducted from it, except the grants for repairing Windsor Castle, for building churches, and for purchasing certain pictures; and he could not, of course, leave out of his consideration the remaining 1,500,000*l*. which did form part of the surplus revenue. If this money had not been received from Austria, he should, in the first instance, have been obliged to call on the House for the three sums which had been subtracted from it; and, in the second place, the surplus would have been reduced by 1,500,000*l*. Therefore, he had a right to lay it before the House as part of the surplus revenue.—He would take that opportunity of adverting to a subject which he certainly did feel to be of very great importance. It was introduced, in the course of the last discussion on this question, by the hon. member for Midhurst (Mr. J. Smith). He (the chancellor of the Exchequer) alluded to the duties on law proceedings. He never was insensible to the evils arising from those duties. He did not mean to say, that when he formed his financial statement, he was so strongly impressed with the evils which did, and must result from the operation of duties of this nature, as he afterwards was. It was a fault, he admitted, that the repeal of those duties did not enter into the plan which he had laid before the House. He was now, however, so deeply impressed with the infinite evils—(that word he thought was not too strong)—which arose from those duties, that he had endeavoured, by all the means in his power, to find a way by which they might be reduced. And it was with the greatest possible satisfaction he could now state to the House, that those duties might be reduced, and that too, without in the slightest degree infringing on the financial calculation which he had already laid before parliament. He knew that by this statement, he exposed himself to the reproach of not having considered the subject sooner. [Hear, hear, from both sides of the House.] He was extremely happy to find that this was not the case, and he felt most grateful to the House for the manner in which it had received his intimation. He repeated that those duties were productive of infinite evil. He knew they were very old, that they had been in force considerably more than a century—but that was no argument in their favour. The only assertion he had ever heard made in their support was, that they had a tendency to prevent litigation. Perhaps it might be so; but this he knew, that whatever good they might produce indirectly in that way, was ten thousand times less than the evil they must create, if they had the effect of denying justice to the people. Before he proceeded further, he should state, that he was really much surprised and gratified when, on examination, he found that the amount of those duties, in England, did not exceed 180,000*l*. He had no means at present of calculating their amount in Ireland; but he took it at 20,000*l*., which he believed was a fair estimate. Consequently, all they had to meet was the difficulty of making up a deficit of 200,000*l*. which would be lost by the repeal. He had cast about for the possible way to find the necessary means, and he would now state where he could get them. There were two modes in which it was practicable to effect a reduction of taxation. One was, by finding other resources; the second, by the reduction of expenditure. Now, let not gentlemen suppose, that when he spoke of other resources, he meant to impose a new tax. He would not make this a matter of composition; but the fact was, that in the calculation he had formed of the resources of the country, he had omitted to include a very important source of revenue, and one which, though of late years it had been unproductive, was likely in future to supply a very large annual sum; he meant the Crown-lands. Gentlemen were aware, that the care of this property was, under the provisions of the civil-list act, confided to certain commissioners, and that the profits arising from it were applicable to the public revenue. It was one branch of the royal property, which, since the settlement of the civil list, was assigned over to the public, like an expired revenue of the Crown. This property had always excited the vigilance and jealousy of parliament. Many objects of great importance, such as the preservation of the royal forests—and the supply of timber for the royal navy, were connected with it. From the improvements, particularly in London, the produce of the Crown-lands had considerably increased; but that increase had been more than absorbed by the expense attending the formation of the new street, under the act of parliament. Not only all the surplus produce had been devoted to that object but, 500,000*l*. had been borrowed at an interest of 5 per cent, which had since been reduced to 4 per cent. These expenses had, however ceased; and the revenue would be available for public purposes. During the last few years only 900*l*. or 1,000*l*. had been paid into the Exchequer, on account of the Crown-lands. That sum arose from certain alum mines in Cornwall, which were not included in the disposition of the other Crown-lands, under the civil list act. There would however, be payable, in the course of the year 1825 a considerable sum of surplus revenue, which, in the succeeding years, 1826 and 1827, would be still further increased; and, in the latter of the years he had mentioned, he had no doubt but that there would be 100,000*l.* applicable to the service of the country. Thus, this new resource met one half of the loss which the revenue would sustain by repealing the stamp duties on law proceedings. The other half would be found in the saving caused by the regulations now in progress (and which would be carried into effect as soon as was consistent with a due regard to the efficiency of the public service) with respect to the collection of the public revenue. On this subject he had had some communication with his right hon. friend who was at the head of that commission (Mr. Wallace); and he was empowered to say, that from what they had done, and from what they proposed should be done, he might safely calculate on at least an additional 100,000*l.* from that resource. When he had laid his financial statement before the House, he had calculated on an improvement of 50,000*l.* in the Customs; but he had not taken credit for any saving in other departments. Now, however, he could confidently reckon upon 100,000*l.* arising out of the regulations to which he had alluded, which with 100,000*l.*, from the Crown-lands, would make up the deficit caused by the repeal of those law duties. He would not follow the hon. gentleman through all the observations he had offered on the proposed grant for new churches. He had however, made one admission, and a very important one it was. He had said, that he would be the last man to object to a grant of this kind, if its necessity could be shown. Now, he could assure the House that he should not have demanded it, unless he felt perfectly confident that he could prove, not only that there was a necessity for it, but that the money already granted had been properly applied, and that beneficial effects had resulted from it. But, after he had spoken the other night at such extreme length, he did not think he would have done that which would have been agreeable to the House, if he had gone into a detailed statement of all that had been done as to the building of churches; and he had therefore detailed to the House generally the principles on which he thought the grant ought to be asked for. He should on this occasion content himself by saying, that it would not be in the least degree difficult for him to show the House very cogent grounds for this grant. With respect to the diminution of taxes which the hon. gentleman called for, he would not discuss the point on this occasion; because, whatever might or might not be the effect of the votes to which the hon. gentleman objected, the great question between him and the hon. gentleman turned on another point. The hon. gentleman appeared to have fallen into a radical error on this subject; because he assumed, that government could afford not only the million which he proposed to take away, but also 700,000*l.* of that which he (the chancellor of the Exchequer) intended to remove. The hon. gentleman wished to accomplish his object by the application of the 500,000*l.* intended for churches, and of the 300,000*l.* intended for Windsor-Castle. [Mr. Hobhouse said, "That sum taken from the Austrian loan, would do for this year."] Yes, it would do very well for this year; but where would be the provision for the next year? If he took that sum, and said nothing about the prospect of next year, then he did not entertain so business-like a view of the subject as he ought. Therefore, when the money demanded for building churches was taken into the hon. gentleman's view in discussing this subject, the question came ultimately to this, whether the House would superadd the right hon. gentleman's plan to a considerable proportion of that plan which he (the chancellor of the Exchequer) had already proposed to parliament. He did not object to the arguments which had been adduced as to the weight of the assessed taxes. They pressed heavily on the people: they pressed with peculiar severity on some classes. But it should be recollected, that since the year 1821, a reduction of those taxes, to the amount of 2,500,000*l.* for England and Ireland, had been effected. It was not, therefore, because he denied the pressure of those taxes that he could not agree to the proposition of the hon. gentleman, but because he wished to begin at the right end, by adopting measures that would ultimately lead to the hon. gentleman's own view, or to some other that would prove equally beneficial to the people. The hon. gentleman had blamed the government for a step which had been taken last year, with respect to the collection of the house and window tax; and he had referred to a circular letter which had been sent by the Treasury to the different tax-collectors, directing them to resurvey certain houses, and, where it appeared necessary, to make a surcharge; as it was clear if those surcharges were brought to bear, something considerable would be gained. He was glad of this opportunity to give the House some explanation of what the government intended by that letter; what reason guided him in sanctioning the survey; and why he afterwards directed, that none of the surcharges which had been made should be enforced. It appeared to him, as the subject had been brought under his view, that in the country a great inequality prevailed in the mode in which houses were assessed: some, indeed, were not assessed at all; whilst many houses, in the same relative situation as to site, convenience, and value with others in the same neighbourhood, were assessed at different rates. It was not unusual to find houses assessed at a much higher rate than other dwellings in the neighbourhood which paid the same rent. Now, the essence of a tax of this kind was equality and justice; and if an evasion was effected by one set of persons, those who paid the whole tax were actually robbed of that portion of money which they paid over and above the sum paid by their neighbours. He therefore thought that government ought at all events to examine, whether this alleged inequality did exist; and if it did, it then became their duty to see that it was levied fairly and equally on all. He was led to believe, that the inequality prevailed to such an extent, that if it were removed and all were obliged to pay alike, the produce of the tax would be raised considerably above the average of the last year; but he never contemplated screwing this money, at the existing rate, out of the pockets of those who were subject to the tax. He thought if the full tax was gathered from all those who were bound to pay it, and if, in consequence, the amount was greater than in the preceding year, he would then be bound, in justice, consistency, and fair dealing, to come down to the House, and reduce the rate in proportion to the increased productiveness of the tax over the preceding year. But his object had been misunderstood; and when he found that clamour and misrepresentation had gone abroad, he directed that those surcharges should not be enforced. He, however, felt it necessary to say, that this system of equality would still be pursued, and that the survey should be continued: because it was most unfair that one man should escape the operation of a tax at the expense of another. But, if the result should be a collection of duty to a greater amount than formerly, that would furnish a very good reason for lessening the rate of the tax. He did not think it necessary now to re-argue the question of the sinking fund, which the hon. gentleman thought useless. The House had decided otherwise: and it was not his duty to weary them with arguments which he had used before, and which had been considered perfectly satisfactory by parliament. Assuming as he did; that the House was not disposed to depart from the principle which had been adopted on a former occasion, or to rescind the law of the last session (and they could not concur in the hon. gentleman's proposition without repealing that law), and thinking his own plan was, under all the circumstances, the best, he would leave the question most confidently to the House. He would leave it in their hands; conscious that he could not be justly reproached with indifference to the wants, the wishes, or the feelings of the people—conscious that his only desire was to discharge his duty on sound, just, and rational principles.

Mr. *J. Smith* rose to express his gratitude to the right hon. gentleman, for having attended to the suggestion he had thrown out on a former night relative to the removal of the duty on law proceedings. That, however, was only one grievance. There was another, which he would mention, though it was not now before the House, he meant the great expense attendant on such proceedings. He did not think that the taxes which had been taken off, ought to satisfy the people. After the miseries they had so patiently endured, they had an irresistible claim to every possible relaxation from the burthen of taxation, and he hoped the increasing prosperity of the country would allow an efficient reduction to be granted to them. Notwithstanding all that had been done, a large portion of the people were still heavily oppressed by taxes. How, then, could gentlemen reconcile it to their minds, after what the country had gone through, to expend the sum of 800,000*l.* in any other way than in that of relieving the people by the reduction of taxation? He would suppose that a gentleman had mortgaged his estate for three fourths of its value, and that he happened to receive 10,000*l.* as a "God-send." If he applied to a friend to know what he ought to do with it, what would that friend say? He would tell him to pay his debts as the best thing he could do. But the applicant might say, "Oh! my creditors are not very pressing; besides, this sum will not pay but a small part of my debts; so I will e'en make myself comfortable with it." What then would his friend say? He would ask, "Are your rents exorbitant? Have not your tenants the greatest difficulty to exist? Lower your rents, then, and don't live extravagantly. The first duty is, to make those happy who live under you; the next is, to pay your debts." The country was thus situated; and she could only uphold her high character by adopting the principle which he recommended. He very well knew the odium and misrepresentation to which those persons were exposed who objected to the building of churches. He, however, was one of those unfortunate persons who, on principle, opposed that project; for he saw no reason on earth to justify him, as a member of that House, in voting away 500,000*l.* for any such purpose. He could assure gentlemen that places of worship devoted to the religion of the church of England would multiply as fast as dissenters' chapels, if it were not for a principle of opposition which prevented their erection. He recollected a very pretty church being built near the town of Nottingham, which was not opened on account of a dispute respecting the right of presentation. After a great deal of difficulty, the archbishop of York settled the controversy. He recollected another instance, where a church having been built, the bishop of the diocese refused his consent; and it remained shut. If this system of bickering were done away with, churches would rise as fast as chapels did now, and there would be no necessity for appropriating a shilling of the public money to such a purpose. He knew the obloquy which attended those who resisted such a grant, but he was old enough not to be deterred by clamour. He was ready to meet any argument on the subject; and he would repeat that 500,000*l.* was not wanted for any such object. Neither were parliament justified in giving 300,000*l.* towards the repairs of Windsor Castle, while the people were thus oppressed by taxation. He thought the plan suggested by his hon. friend, as a substitute for a sinking fund entitled to serious consideration; but it was perhaps doubtful, whether so powerful a resource as that which would be furnished by the redemption of the land-tax, ought not to be reserved for future contingencies, in case we should be engaged in hostilities with other countries.

Mr. *Gipps* referred to the report of the commissioners for building churches, in order to show, that 500,000*l.* was wanted for the erection of places of worship. The commissioners had annexed to their report a list of applications from different quarter-sessions for assistance to further this object, which assistance they had been under the necessity of rejecting.

Mr. *Whitmore* expressed his decided approbation of the financial statement which had been laid before the House by the right hon. gentleman: it did equal honour to the right hon. gentleman and to the country. He was sure the country would feel grateful to the right hon. gentleman for the principles which he had propounded, when they should, at no distant period, be sensible of the beneficial effects which would result from them. If he felt any regret, it was because the right hon. gentleman had not carried the excellent principles which he had advocated to the extent to which they might be carried. The House would perhaps anticipate, that he alluded to the question which he had last session the honour of bringing under their notice, namely, the trade in corn. It was impossible that ministers could take into consideration a question more deeply affecting the interests of the people than that trade. If gentlemen would examine into the present system, and ascertain its evils, they would be convinced that justice and good policy demanded that it should be abolished. With respect to the motion before the House, he must declare that he did not feel disposed to vote in its favour. He thought the chancellor of the Exchequer had gone as far as he possibly could go at present, in the way of reduction of taxation. He could not proceed further, consistently with the policy which ministers had pursued, and in which he fully concurred, of maintaining a considerable surplus of income over expenditure. Much as he regretted the being placed in a situation in which it was necessary for him to vote for the continuance of a tax, he could not avoid it on the present occasion. A sense of duty compelled him to vote in opposition to his feelings, but in accordance to his judgment.

Lord *Althorp* rose to declare the reasons which would induce him to vote for the motion which had been introduced by the hon. member for Westminster. He would, however, first take the opportunity of stating, that he agreed entirely with his right hon. friend, the chancellor of the Exchequer, with respect to the propriety of the resolutions which he had adopted with regard to silk and wool, but he differed with him respecting the proposed alteration of the tax on coals; because, although the remission of the tax applied to that part of the country where the tax pressed most heavily, yet it was where the tax was most capable of being paid. He had heard with great pleasure, that it was the intention of the right hon. gentleman to take off part of the tax on law proceedings. He had made some inquiries respecting the operation of that tax, and the result of those inquiries had produced a conviction in his mind, that no tax could be more oppressive or impolitic. His right hon. friend had made a kind of apology to the House for having changed his mind upon the subject. But until candour should in that House, be considered a crime, and obstinacy a virtue, no apology was necessary on such a ground. He agreed in all the propositions which ministers had made for the reduction of taxation; but he thought that they should have gone a great way further. If the House had done him the honour to attend to his conduct, they must have observed, that he had for a long time been decidedly hostile to the principle of a sinking fund. The more the experience of the last two years should be appealed to; the more the causes which had produced the reduction of the interest of money, and the present general prosperity of the country were considered, the more impolitic would it appear to apply five millions to the reduction of the debt. The national debt was in fact nothing more nor less than permanent annuities. It was the same thing whether the annuities were redeemed, or the interest reduced. The chancellor of the Exchequer proposed this year to reduce the 4 per cents to 3½ per cent; that was, to reduce the annuities. It was the same thing, whether five millions were employed in buying up the annuities or in reducing their interests to the extent of one-eighth. It appeared to him, that no person who had paid any attention to the course of events during the last two years, could attribute the reduction which had taken place in the amount of the interest on money to the application of five millions to the redemption of annuities, but mainly, if not entirely, to the increase of wealth amongst the people. The amount of the annuities upon which the sinking fund was to operate, was twenty-seven millions a year, and the utmost that could be redeemed in one year was 150,000*l*. Could any one suppose that such an operation as that would materially influence the supply and demand in the market? If it did not, then the strongest argument which was used for the maintenance of the sinking fund, fell to the ground. On the other hand, could it be doubted, that if the five millions now composing the sinking fund were left in the pockets of the people to be employed in productive industry, it would produce an accumulation of capital which would tend to reduce the interest of money in a great degree? He therefore considered it impolitic to maintain the system of a sinking fund. On that ground he would vote for the reduction of taxes; and that which formed the subject of his hon. friend's motion was, in his opinion, the first that ought to be taken off.

Mr. *Baring* observed, that after all the budgets which honourable members might bring in their pockets to be discussed in that House, the only question which it was necessary to consider was, whether, in the present situation of the country, a sinking fund ought, or ought not, to be retained? His noble friend had stated what was perfectly true, that the debt of this country was an annuity, and that the capital of the debt was nothing more than the limitation of the amount for which the annuity could be paid off. But the conclusion which his noble friend drew from these premises was a most extraordinary one, for he seemed to infer that it was the same thing whether the stockholder was paid off by the lowering of the interest of money according to law, or whether the same thing was effected by an arbitrary reduction of the interest of the debt. ["No, no," from lord Althorp.] He was happy to find that he had misunderstood his noble friend. He would therefore abstain from making any observation on that point, but to refer to a statement which he was perfectly sure had fallen from his noble friend; namely, that the price of stock did not depend on what was called the trifling operation of the sinking fund. On that point he totally differed from his noble friend. On the contrary, he believed, that the price of stock did depend entirely on that operation. If the country were to remain at peace for ever, a sinking fund might be dispensed with, without much inconvenience. But in a country like this, whose history exhibited a constant alternation of war and peace, it was impossible to dispense with a sinking fund, because a man must be an idiot who would lend his money to government in time of war, unless he had the prospect of being repaid in time of peace. If there was not a sinking fund to be employed in making purchases in the market, men would place so little confidence in the financial system of government, that they would not touch stock even if it yielded 10 per cent. In all the countries of Europe there was abundance of capital, but no credit, in consequence of a want of confidence in the measures of the governments of those countries on financial subjects. He remembered that not many years ago the 5 per cents in France were at 50 or 60, which yielded nearly 10 per cent, whilst at the same time the direct rate of interest in Paris was only 2½ per cent. Thus, whilst a private individual could procure money at 2½ per cent, the government was compelled to pay 10 per cent for it. It was a singular circumstance that Holland, the country where people exhibited more good sense on financial matters than those of perhaps any other nation, should, at the present moment, be in precisely the same situation in which France stood at the period to which he had alluded. The interest of money in the Dutch market was under 3 per cent, whilst the government securities paid about 5 per cent. Such was always the case when the credit of a government was good for nothing. He would wish those gentlemen who proposed to abolish the sinking fund, to carry their views forward for half a century, and to consider what would be the consequence of the country engaging in a war which could only be carried on by means of loans. In his opinion, the funding system, which had been so much abused and ridiculed, had been the means of saving the country during the last war; No doubt many abuses had taken place; but if those abuses were prevented from occurring by a course of moderation, the system would be one of perfect wisdom. If English society were composed wholly of Quakers, a continuance of peace might be anticipated; and under such circumstances, the abolition of a sinking fund would not be a matter of great importance; but the hon. member for Westminster, and the friends who supported him, did not seem to be at all averse to engage in hostilities, and yet were disposed to leave the country totally unprovided with the means of meeting such an event. No system could be more wise than that which enabled a country to make an occasional hostile demonstration, by the raising of loans which were afterwards to be repaid in time of peace.—He knew that to talk of the repeal of taxes was an extremely popular topic. He represented a populous town, where the right of voting was very extended. He did not affect to despise market-place popularity, and he had no doubt that he could please his constituents, by saying that he had voted for the repeal of such and such a tax; but he would prefer telling them, that he had felt it his duty to oppose any reduction of taxation, which would have the effect of endangering public credit. It was possible that a great country like this might go on borrowing upon credit even without a sinking fund, until the world found them out; but it was a speculation that could not last long. It was the duty of the government to make every possible reduction. Having done that, it was their duty to say what amount of taxation would be required, and how it could be obtained with most advantage to the people. The sinking fund had a bad name: he could wish that it had a better; for it had grown into perfect ridicule [hear, hear! from the Opposition]; but they could have no credit, no security, no respect from foreign countries without it. They had better have their navy in disorder, and their army and their ordnance in a state of derangement, than their finances. Money, however common-place the phrase might sound, was the source of great national efforts, the heart-spring of government. After the taxes which the chancellor of the Exchequer had already given up, he was willing to allow that the tax now moved for ought to be relinquished, if possible. He ought to apologise to the House, and particularly to the chancellor of the Exchequer, for coming forward with a budget of his own, now that the minister had stated his; but he could not help thinking, that the total abolition of the salt-tax was not an object so desirable as it appeared to some persons, when compared with the relief that might be afforded in other matters. The salt-tax, like every other tax, was in itself a nuisance; it could be regarded in no other light, and as such it was fit that the people should be relieved from it as soon as possible; but the question now was, not merely whether it should be taken off, but whether it was better to take that off than any other? In proceeding to lighten the public burthens they were bound to make the best selection, and he would confess that this choice did not come under that description, as far as he was capable of judging. In all times, and in all countries, salt was, perhaps, the first object selected for taxation. It was that which returned most into the Treasury, in proportion to the amount raised on the subject; and if they consulted the people out of doors, and even the poor, upon whom it was supposed to press most heavily, he was confident that they would find it to be one of the last taxes complained of. As to its use in agriculture, he was far from calculating on its advantages to the extent which some gentlemen had professed. He believed that a substitute had been found which answered the purposes of the agriculturist; and even if that were not the case, the small duty imposed on it at present would hardly be sufficient to prevent its use.—He was also of opinion, that after the representations which had been made to the House on the subject of the silk-tax, the right hon. gentleman could not persevere in his intention of remitting the duties on silk. Under the present circumstances, unless the whole duty were taken off silk, it would be of no advantage to the manufacturers. On the contrary, he thought the reduction of the duty would only tend to check the silk trade. If the right hon. gentleman continued the course he had pointed out, there would be no occasion to carry this part of his plan into execution. The manufacture of silk was at present in a flourishing state, and he hoped the right hon. gentleman would not persevere in taking off the duty. If he did not, the tax would continue to yield 460,000*l*. This, together with the remainder of the salt-tax, would make up probably 900,000*l*.; and having this sum, the chancellor of the Exchequer might give the people relief by taking off the assessed taxes. They were the most vexatious of all taxes; besides, it was expedient to reduce direct, in preference to indirect taxes; for no man ever thought so much of that tax which he paid in the shop, as of that which he paid directly, on receiving a visit from the odious tax-gatherer. However polite these gentlemen were (and he had never met with any who were not polite), they were always unwelcome visitors.—As to the plan mentioned by his hon. friend the member for Aberdeen, for the redemption of the land-tax, he could not see at present any thing that would be added to the disposable resources by carrying that plan into execution. If it were done we should stand just as we were, and it would not add to our credit; still he would not oppose that measure; we might sell it for thirty or five and thirty years' purchase, and realize the whole amount of the tax at the rate of 3 per cent with the very best security. But, if the money were carried into the market to buy 3 per cent stock, it would do no good. He recommended the chancellor of the Exchequer to employ the money which might be so obtained, as well as from other sources, to pay off the debt due to the Bank. He owed money borrowed at par, and this he ought to pay off. It was not improbable, if the country only pursued steadily the principles and the plan laid down by the chancellor of the Exchequer,—(and, though the House might demand a change, he trusted it would not drive him out of his course)—it was not improbable that in a short time even the 3 per cents might be reduced. Of such a reduction we had an example in Holland, a country which more nearly than any other resembled this, and he could speak with confidence of Amsterdam, where money was to be had for 2½ per cent. The House, he hoped, would therefore steadily pursue the course pointed out, which he considered to be consistent with the high character of the country, and with the security of public credit, and which he had no doubt would be found to be ultimately the most efficient means of obtaining a further diminution of taxation.

Lord *Althorp*, in explanation, stated, that he had applied his remarks, not to the reduction of the stocks, but to the reduction of interest generally, by ceasing to withdraw the sinking fund from the active capital of the country.

Mr. *W. Smith* agreed with his hon. friend who spoke last, that the sinking fund had become a nick-name for a thing which had gone into general disrepute. If his hon. friend thought that fund was productive of such numerous good effects in peace, that it was worth keeping up at the expense of 5,000,000*l.* a-year, he (Mr. S.) thought a diminution of taxation to that amount would have at least the same beneficial effect on the resources of the country. They would then be improved by an increase, while, by the sinking fund, they were to be improved by a diminution of debt. The example of Holland, to which his hon. friend had referred, were against his own argument. The government of that country was borrowing at five per cent, when individuals were borrowing at three. This was very wrong, no doubt; but his hon. friend had explained it by saying, that the expenses of that government exceeded its revenue. It had to make loans every year; and nothing was clearer, than that, under such circumstances, capitalists would not lend to government on the same terms as they would to individuals. It was easy to see what must be the case when a country was in the state which Holland was described to be in by his hon. friend.—He agreed perfectly with the right hon. gentleman in his view as to law stamps; and he trusted that nothing would make him depart from that. This was not only a grievous tax, but a blot on the laws themselves. It was one of the excellencies of our constitution that justice should be open to all men, they were assuredly contrary to that constitution, for they prevented a large number of people from obtaining justice, and shut many of them altogether from the means of obtaining it, and, consequently, of the pale of the law. Considering this concession of the chancellor of the Exchequer as a great point gained, and giving him entire credit for the principles he had laid down, he was unwilling to push him further; he nevertheless found himself obliged to vote for the motion of his hon. friend, because, with the exception of some Excise duties, there were no taxes half so vexatious as the tax on windows. It introduced the tax-gatherer into the house, not merely to ascertain how many windows you ought to pay for, but to see that you did not possess a single hole more for the entrance of light and air, than what you actually paid for. It was not worth while to retain the half of this tax. He agreed, too, with several of his friends as to the salt-tax. He should not care about it, if it were not got rid of altogether. The amount of it at present was trifling, but the expense of the machinery was very great. It permitted an excise to remain on salt, which, though only of a trifling value, was still an excise. The country, he believed, did not feel the amount of the tax; but then it gave birth to surveyors and assessors, and tax-gatherers; all of whom might be better done without, than employed to levy so small a sum as the salt-tax now was. To get rid of all this machinery, he saw no reason why the house-tax might not remain. It did not require quite so close an inspection of the premises as the window-tax, and, though it might aggrieve one class of persons, a remedy, he thought, might easily be found for that; though, he would not then trouble the House with the details. He would vote for the motion of his hon. friend.

Mr. *Baring*, in explanation, said, it was plainly not a want of credit in the government of Holland which obliged it to give such a high rate of interest, but the want of a surplus revenue to devote to redeeming the debt.

Lord *Milton* said, he could not agree with all the propositions which fell from his hon. friend the member for Taunton. To begin with the last, he would ask his hon. friend, if he would turn his powerful mind to the subject, and would consider the nature of the government of this country, whether he did not think that public credit rested on some other foundation than that of the sinking fund? He begged him to consider, if his own presence in that House, in the midst of the representatives of the people (for so he would still call them, however imperfectly they answered the description) was not a proof that they were a nation of freemen, governing themselves by their own will, and not subject to the arbitrary power of a despotic ruler? Was not this, he would ask, one of the sources, and the chief source, of our credit? Fond as the hon. member for Taunton was of attributing this to the sinking fund, he would ask him, whether he would not rather lend money to the government of this country, though it had no surplus revenue whatever, than to the grand seignior, with the greatest possible sum of surplus revenue? Was it, therefore, the sinking fund, or the free and stable institutions of this country, not subject to be overthrown or changed by the caprice of any one man—

was it, he would ask, to the sinking fund, or to the very existence of the House of Commons, that the country was indebted for its extraordinary credit? He did not, however, rate the effect of the sinking fund, in augmenting the value of stock, quite so low as his noble friend (lord Althorp); but though he rated it higher, he must therefore object to it the more strongly, as levying a large sum on all other classes of the people, in order to keep up the value of stock. It was obvious, that if the government laid out five millions a-year in the purchase of land, that this would raise the value of land. Differing, therefore, from his noble friend, as to the value of the sinking fund to the stockholder, he must still object to it, as laying a burthen on the rest of the people for his exclusive benefit. It was an error to suppose that the debt any longer existed but as a permanent annuity; it was one of those things that were only felt by their effects, which, in this case, was the payment of an annual sum. There were two ways in which the payment of this sum might be rendered less burthensome: one was, by decreasing the amount of the annuity, and the other by augmenting the funds out of which it was to be paid; it might itself be reduced, or it might be spread over a larger quantity of capital forming a smaller per centage on the whole. The chandelier hanging before them, might serve as an illustration of what he meant. It was suspended by a counterpoising weight, and it might be made to ascend, either by diminishing its own weight, or by adding to the weight of the counterpoise. Capital was the counter-balancing weight; and if it were increased, though the debt remained actually the same, it would be proportionably lighter. The question then came to this—whether the sinking fund would be more productive as a sinking fund, or if it were allowed to remain in the pockets of the people? As a sinking fund, laid out by the commissioners, it did not nett above three per cent; but if left in the pockets of the industrious and ingenious inhabitants of this kingdom, and employed by them in their various branches of manufacture and trade, could any man doubt that it would not multiply five, six, or even ten fold? The nominal amount of the debt would remain the same, if the sinking fund were abolished; but the capabilities of the country to pay the annuities would be considerably increased. He would not discuss which were the taxes the most proper to be taken off, or which were the most vexatious; but he trusted the right hon. gentleman would not, upon any consideration, be induced to abandon his plan of giving up the whole of the salt-tax; and he did not agree with the hon. member for Taunton, as to the value the people set on being relieved from the remainder of the tax. The reduction of the rate of duty on salt had been eminently advantageous, and the abolition of the tax would confer still greater benefits. He trusted also that the chancellor of the Exchequer would not swerve from his project of taking the tax off silk. He did not think, however, that the coal duties were precisely those which ought now to be taken off. It was their business to remit such taxes as pressed on every part of the people; this, however, was only a partial tax, and other parts of the country had as good a claim to relief as the city of London. On the whole, he approved of the budget, as far as the remission of taxes went, except as to the coal-tax, which, he thought, might have been allowed to remain unaltered. In the present call which was made on the House for a further remission of taxes, he did not think his hon. friend had selected the tax which it was most necessary to abolish. He would, however, vote for his motion. He would rather the tax should have been removed from malt and beer, which would have been a relief to all classes, and would have been felt by householders, as well as the removal of the window-tax.

Mr. *Hume* was surprised at the statement of the hon. member for Taunton, and at the situation in which it placed gentlemen on his side of the House. He differed totally from his hon. friend, and almost from every one around him [a laugh]. He differed, he said, from most of those around him, in not considering the present question to resolve itself into the other question—shall we, or shall we not, keep up a sinking fund? It must be admitted, that it was possible, by reducing our establishment both to keep a sinking fund, to pay off a part of the debt, and to remit taxes. We might by reducing our establishment take a large sum from the national debt, and lessen the amount of taxes. He held in his hand the balance sheet, and from that he would prove what he said. He there found, that the expense for the military and miscellaneous matters amounted to sixteen millions, a sum more than equal to the whole revenue of the year 1792. If it were reduced to fifteen millions, ministers might say, as he well recollected they said three years ago, when a reduction was proposed, that then they must resign, for the business of the Government could not possibly be carried on; and yet, when the House declared there should be a reduction, before it assembled again, the noble lord, who had made this statement had agreed to reductions, amounting, as the House was informed, to a million and a half; and the business of the nation went on as well as ever. If the House should now agree to the vote of his hon. friend—and he asked their votes on this ground—he would pledge his existence, that the ministers would find means to reduce the establishment below sixteen millions. He called, therefore, on those gentlemen who were favourable to the sinking fund to vote for the reduction, and they might be assured the surplus to be devoted to them would be increased. As to the gentlemen who were not for the sinking fund, and he believed he had not above six persons near him who were for it, to them he would say, vote for the reduction, and you will have a greater sum to remit to the people. The hon. member for Taunton had asked if any body but a fool or an idiot would go on contracting debts in war and not paying them off in peace? Certainly, no honest man would do it; but honest men, before they paid off their debts, considered whether by doing it they should be ruined or destroyed, and if they found they could secure to their creditors a larger sum, and add to their own comforts and convenience, did any honest man hesitate to do it? And was it not the business of the House, in appropriating money to pay off debts, to consider if by doing so they added to the comforts, conveniences, and general wealth of the nation? His hon. friend asked, where they would be in fifty years, with no mode of redeeming their debt? He (Mr. H.) liked to look to the past for his proofs, rather than to the future, and he would shew the hon. member, that the sinking fund had not paid off a single shilling of the debt, but had augmented it. That money had all been borrowed at five or something more per cent; but at present money might be got at 4 or three per cent. This effect was not produced by the sinking fund; as far as that fund had operated, its effects had been the reverse of this. The benefits conferred by the sinking fund never amounted to a single shilling, and existed no where but in the imagination of Mr. Pitt and his followers. The great expense of the sinking fund, and the great sum borrowed since it was in existence, would prove this. Taking the 24 years subsequent to 1796, we had in that time borrowed no less a sum than 609 millions; while the real expenditure of the country had not exceeded 138 millions; so that the country had borrowed no less than 479 millions for the benefit of the sinking fund. This sum had been borrowed at the rate of 5*l.* 3*s.* per cent. and the contractors were now buying up stock, or lending it at the rate of 4*l.* 17*s.* The result was, that there was a loss of 6*s.* on every 100*l.* borrowed of the 479 millions. This was the result up to two years ago. Then ministers admitted they were wrong, for they came to the House, and said, we have heretofore had only a nominal sinking fund, now we will have a real one. And after this immense loss and this confession, they were still to be burthened with a sinking fund. The fact would hardly be believed, and he could scarcely have credited it, had he not been present and witnessed the proceedings. He was one of those who could never allow that transaction with the Bank to pass unnoticed. It was a proceeding which would stamp with disgrace any child who had ever learned the four first rules of arithmetic; and all that the present chancellor of the Exchequer could do would never wipe away that stain [cheers]. It was necessary, said the gentlemen opposite, to have a real surplus. And how did they accomplish it? They called upon the Bank to lend them five millions, and that loan they called a real surplus. This was a complete cheat passed upon the public; and he was really quite surprised that his hon. friend, the member for Taunton, who was so well acquainted with the American system of finance, of which simplicity was the leading principle, should recommend this system of a sinking fund, under such circumstances, and, more than all, that he could suppose a nominal sinking fund was necessary to maintain public credit. Then, with all the experience of the past before their eyes, let not the House of Commons be blindfolded by the Government because they had done some good. —Now, having shewn that we had no real sinking fund, he should prove, if he were allowed a committee [cries of question, question, from the ministerial benches]. Oh yes, he knew that two and two did not make four when he added them together: but he also knew that if the chancellor of the Exchequer said that two and one made four he would find persons in that House to believe it [cheers]. They all remembered the famous Resolution of that House that fourteen shillings were equal to twenty. The Government had declared, that we had a surplus of five millions, whereas in fact it was all borrowed; therefore it was that he called upon the House not to keep up the delusion. Were there no persons in that House who required relief from taxation; and if not, were there no persons in the country who required some alleviation of their burthens? If the proposition which had been submitted, were adopted, and the taxes were reduced, he would be disposed to agree with his hon. friend, that it would hereafter be a matter for consideration how we could best reduce the three per cents. But, did the House suppose, that by leaving five millions untouched they could improve the credit of the country? If war should come and exigencies arise, he had no doubt, as the chancellor of the Exchequer had stated, there would be no difficulty in raising money, and, if necessary they could at once get twelve or thirteen millions. “But, said his hon. friend, who would lend the Government, if they were to break faith with the public creditor? He was astonished to hear this from his hon. friend, who had entered into loans with the Austrian government, notwithstanding their manifest breach of faith. He did not expect to hear this from his hon. friend, with all the knowledge which he had of Austria and Russia. Upon all the grounds which he had stated, he thought the House would do wisely and honestly, to vote a further reduction of taxes, and do away with the idea of a sinking fund, altogether; and by doing this, they would give general satisfaction to the country.

Mr. *Sykes* rose, amidst general cries of Question! He said he should gratify the impatience of the House by merely making one observation. Two propositions had been submitted to the House, and but for the late hour of the night, he should state to the House, why, of the two he should give the preference to the system of finance proposed by the chancellor of the Exchequer. With respect to taxes, he thought those should first be repealed which would give the greatest stability to the credit of the country. On the subject of the sinking fund he was compelled to declare that upon that arrangement he placed no reliance; because he felt that, ever since the days of its first origin, in the time of sir R. Walpole, up to the present hour, its only use was, to furnish ministers with the means of extravagance.

Mr. *Hobhouse* briefly replied. He said the chancellor of the Exchequer had given no answer to the question which he had put to him, namely, whether 56 millions of taxes were to be continued to be raised on the people? He had a right to consider this burthen enormous; and he was sure, that, whatever opinion might be entertained in that House, out of doors the system would be universally deprecated. It had been allowed by the House, and indeed by the Government, that of all the assessed taxes, the window-light tax would be the most desirable to be repealed, and therefore it was, he was anxious to press it upon the House. His hon. friend had talked of the politeness ofthe tax-gatherer; but he believed it would be generally found he was polite to the rich, but very much the reverse to the poor. In one of the petitions which he had presented to the House, it was stated, that the tax-gatherer had actually taken away the beds of the unfortunate people, to collect that very tax of which he now sought the repeal. He should not trouble the House further; but he trusted they were now convinced of the propriety of adopting the proposition [hear, hear!].

The House divided. For Mr. Hobhouse's motion 88: Against it 155: Majority 67.

List of the Minority.

Abercromby, hon. J.
Allen, J. H.
Althorp, visc.
Baring, sir T.
Bennet, hon. H. G.
Bernal, R.
Belgrave, visc.
Bright, H,
Brougham, H.
Burdett, sir F.
Calvert, J.
Calvert, C.
Carter, J.
Cavendish, C. C.
Cavendish, H. F. C.
Chaloner, R.
Clifton, visc.
Colborne, N. W. R.
Creevey, T.
Davies, T.
Davenport, D.
Denison, W. J.
Denman, T.
Duncannon, visc.
Dundas, hon. T.
Ellice, E.
Gordon, R.
Graham, S.

Guise, sir B. W.
Gurney, H.
Hamilton, lord A.
Heathcote, J. G.
Heron, sir R.
Honywood, W. P.
Hume, J.
Hutchinson, hon. C. H.
James, W.
Jervoise, G. P.
Johnstone, W. A.
Kemp, T.
Kennedy, T. F.
Keck, G. A. L.
Leader, W.
Lennard, J. B.
Lethbridge, sir T.
Leycester, R.
Lloyd, T. M.
Lockhart J. I.
Maberly, W. L.
Marjoribanks, S.
Milton, visc.
Moore, P.
Mildmay, P. S.
Monck, J. B.
Mundy, J.
Newport, sir J.
Ord, W.
Pares, T.
Palmer, F.
Palmer. C.
Philips, G. H.
Portman, E.
Price, R.
Poyntz, W. S.
Pym, F.
Ramsden, J. C.
Rice, T. S.
Robarts, A.
Robarts, G.
Robinson, sir G.
Rowley, sir W.
Russell, lord J.
Sefton, earl of
Smith, J.
Smith, W.
Stewart, lord J.
Sykes, D.
Taylor, C. M.
Tennyson, C.
Tierney, right hon. G.
Tynte, C. K.
Warre, T. A.
Webbe, E.
Western, C. C.
Whitbread, S.
Whitbread, W.
Wilson sir R.
Wood, M.
Wrottesley, sir J.
Wyvill, M.

TELLERS.

Hobhouse, J. C.
Maberly, J.

HOUSE OF LORDS.

Thursday, March 4.

ABOLITION OF SLAVERY.] Earl *Grosvenor* presented a petition which he stated was signed by a great number of respectable persons in Bury St. Edmund's, who prayed that their lordships would be pleased to consider of the means of producing a gradual Abolition of Slavery. In the mean time, they prayed for the amelioration of the condition of the unfortunate negroes in the colonies. They also prayed, that any measures which might be adopted should be accompanied with a due consideration of the interests of those persons who possessed estates in the colonies; in a word, that while justice was done to the slaves, those who might thereby suffer loss should be indemnified. It seemed to be an understanding, that that part of the question which concerned the conduct of the persons who composed the houses of assembly in the colonies should not be brought forward; that their proceedings, whether right or wrong—and as to that he did not then mean to give an opinion—had better not be discussed. He should therefore at present abstain from entering into that part of the subject, but he could not do so without some explanation. If he admitted the propriety of sometimes acceding to such an understanding, he must, at the same time, state, that this principle of reservation was one which ought to be looked upon with great jealousy; for any endeavour to smother or withhold the truth had seldom any other motive than a false delicacy. As a general principle, every thing like secrecy in public affairs was to be avoided. Let their lordships consider how far this system might be carried. A noble friend of his had given a notice respecting the state of Ireland, which involved the restoration of the whole of the civil rights of the Catholic population. Now, how were their lordships to come to a right decision if any circumstance respecting the state of the country was kept in the dark? He trusted, therefore, that when that question came on, the whole facts would be brought before the House. There was another question which might soon be expected to come before the House, to which he could not help alluding; namely, the intended grant for building new churches. He could not, at the present moment, pretend to say whether such an application of the public money was proper or not. It might be right—it might be wrong; but that was the first question to be settled, and that question could not be properly determined, while any secrecy was preserved with respect to the state of the established church. It was the duty of parliament, before this measure should be sanctioned, to inquire into the revenues of the establishment, and to see whether it was not able to build churches, without burthening the public. These illustrations were sufficient to prove the advantage of publicity, and that nothing was so injurious to the public interests as the suppression of facts, and secrecy. Returning to the subject of the petition, he concurred with those who were of opinion, that unless slavery were abolished in the colonies, there would never be an end to the slave trade. Let England but once say, that there shall be no slavery in her colonies, and from that moment the horrible traffic would be put down. Of the atrocities to which that trade gave birth, and the misery which its unhappy victims endured, nothing more would be heard: for slavery, and all its dreadful consequences, would cease throughout the world. Nothing, certainly could be more advantageous to the planters themselves than such a change; for property in the colonies would be benefitted by it, to a degree not anticipated by those who had not paid attention to the subject. He could assure their lordships, that there were persons who had tried the experiment of free labour, and that it had answered to their perfect satisfaction. The instructions which his majesty's ministers had sent out to the colonies, with a view to the gradual improvement of the condition of the negroes, and final abolition, were moderate and judicious. He wished, however, to have it understood, that his silence upon this question would depend upon his opinion, according to the information he should receive, of the sincerity of ministers, in the disposition they had manifested by their instructions.

Earl *Bathurst* said, he would not enter into the questions on which the noble earl had touched, but he wished to take that opportunity of informing the House, that to-morrow se'nnight he would lay on the table, by his Majesty's command, certain papers relating to the state of negro slavery in the colonies. He would avail himself of that occasion to give an explanation of the measures which his majesty's ministers had thought proper to adopt, for the moral and religious improvement of the negroes, in pursuance of the resolution of the House of Commons.

SOUTH AMERICA.] The Earl of *Liverpool* rose to lay on the table, by his majesty's commands, certain communications which had passed between his Majesty's government and the governments of France and Spain, relating to the provinces of South America. The subject had been adverted to in his majesty's Speech at the opening of the session, but the correspondence could not then with propriety be made public. As however, the causes which prevented them from being made public no longer existed, there could be no objection to their being laid before their lordships.

The Marquis of *Lansdown* wished to know whether it was the intention of the noble earl to found any motion on the subject of these papers, or to recommend to the House any proceeding respecting them.

The Earl of *Liverpool* said, he did not intend to make any motion or propose to their lordships any proceeding connected with these papers. They were laid on the table solely for the information of the House, and to enable their lordships to form their judgment on the subject.

The Marquis of *Lansdown* reminded their lordships, that soon after the commencement of the session, he had intimated his intention of bringing forward a motion on the state of the late Spanish colonies. He was not aware that the papers now laid on the table could contain any thing which ought to make him alter his intention; but having always been desirous of allowing his majesty's ministers to explain their system of policy with respect to those states, and not wishing to embarrass in any way the question, he should wait until he had read the papers, before he came to any final determination respecting his notice.

The Earl of *Liverpool* said, he had given notice of his intention to move for a committee to take into consideration the office of Clerk of Parliament. It was then his wish to postpone this proceeding until two noble lords, who had always paid particular attention to the official business of parliament, should be both in town. He understood, however, that the attendance of one of those noble lords could not be obtained until an advanced period of the session; but as the other noble lord whose assistance he wished to obtain, was present, he did not think it proper to delay carrying his intention into effect any longer. He therefore now gave notice, that he would on Monday next move their lordships to appoint a committee.

BOUNTIES ON IRISH LINEN.] The Marquis of *Lansdown* wished to advert to a subject which had been touched on during the last sitting of the House; namely, the means of ameliorating the state of the south of Ireland. In a conversation which had taken place on the proposal of his Majesty's government for withdrawing the bounty on Irish linen, he understood it to have been stated by the noble earl opposite, that the reason why the bounty was to be immediately taken from the coarse Irish linen was, that no exportation of that article had taken place from Ireland. Now, when the noble earl made this statement, he could not be aware of the real state of the case. The fact was, that during the two last years there had been an increasing exportation of coarse linens from the north of Ireland; and he was persuaded that the encouragement of this manufacture might greatly assist in removing that poverty with which the country was afflicted. It might be rendered a valuable stimulus to the industry of the distressed population. He believed that all who had bestowed any attention on the improvement of that part of the united kingdom, looked forward to the establishment of linen manufactories in the south of Ireland as a great means of amelioration. He was no advocate for bounties, though he considered them far less mischievous to trade than prohibitions and restrictions: but, though he admitted the evil which was attached to bounties, he must observe, that there was a great difference between enacting them, and suddenly repealing them, after they had for a certain time existed. He therefore hoped that the noble earl would consider the effect of rashly discouraging, or even of appearing to discourage, a rising manufacture which had just begun to be profitable, and probably to find a demand in the markets of South America. It should also be recollected, that this manufacture was peculiarly calculated to give to the poor population of the South of Ireland that species of employment in which they could with the greatest facility be engaged, while it was at the same time that kind of enterprise in which the land-owners could, with the greatest safety embark their property. He should conclude with moving for an account of the quantity of coarse linen exported from Ireland during the years 1822 and 1823.

The Earl of *Liverpool* said, that when he had stated that no coarse linens were exported from Ireland, he had been induced to make that observation from knowing that the bounty on it had never been drawn. At least such was the information he had received, and he believed it to be correct. He would, however, state, for the satisfaction of the noble marquis and the House, that, as the bounty on fine linen, was not to be suddenly withdrawn, it was intended to adopt the same principle with respect to the bounty on coarse linen, and to reduce it gradually. Thus the evil apprehended from the abolition of the bounty on these two manufactures would be guarded against as far as possible. With regard to the encouragement which the noble marquis looked forward to for this manufacture, he trusted it would be realized. He was confident, that if the country continued to enjoy the blessings of peace, the diffusion of capital would have the most beneficial effect on all branches of industry in Ireland.

The motion was agreed to.

HOUSE OF COMMONS.

Thursday, March 4.

COMMUNICATIONS WITH FRANCE AND SPAIN RELATING TO THE SPANISH AMERICAN PROVINCES.] Mr. Secretary *Canning* on presenting, by command of his Majesty, copies of communications with France and Spain relating to the Spanish American provinces said, it would probably be recollected, that in the debate which took place on the address, he had stated, that some time would elapse before he should be able to communicate precise information as to the course which government had pursued, with regard to the Spanish American provinces—The papers which he now laid on the table contained that information.

The said papers are as follow:

COMMUNICATIONS WITH FRANCE AND SPAIN RELATING TO THE SPANISH AMERICAN PROVINCES.

No. 1.—Extract of a Memorandum of a Conference between the Prince De Polignac and Mr. Canning, held Oct. 9th, 1823.

The prince de Polignac having announced to Mr. Canning, that his excellency was now prepared to enter with Mr. Canning into a frank explanation of the views of his government respecting the question of Spanish America, in return for a similar communication which Mr. Canning had previously offered to make to the prince de Polignac on the part of the British cabinet, Mr. Canning stated—

That the British cabinet had no disguise or reservation on that subject; that their opinions and intentions were substantially the same as were announced to the French government, by the despatch of Mr. Canning to sir Charles Stuart of the 31st of March; which despatch that ambassador communicated to M. de Chateaubriand, and which had since been published to the world.

That the near approach of a crisis, in which the affairs of Spanish America must naturally occupy a great share of the attention of both powers, made it desirable that there should be no misunderstanding between them on any part of a subject so important.

That the British government were of

opinion, that any attempt to bring Spanish America again under its ancient submission to Spain must be utterly hopeless; that all negotiation for that purpose would be unsuccessful; and that the prolongation or renewal of war for the same object would be only a waste of human life, and an infliction of calamity on both parties, to no end.

That the British government would, however, not only abstain from interposing any obstacle on their part to any attempt at negotiation which Spain might think proper to make, but would aid and countenance such negotiation, provided it were founded upon a basis which appeared to them to be practicable; and that they would, in any case, remain strictly neutral in a war between Spain and the colonies, if war should be unhappily prolonged.

But that the junction of any foreign power, in an enterprise of Spain against the colonies, would be viewed by them as constituting an entirely new question; and one upon which they must take such decision as the interests of Great Britain might require.

That the British government absolutely disclaimed, not only any desire of appropriating to itself any portion of the Spanish colonies, but any intention of forming any political connexion with them, beyond that of amity and commercial intercourse.

That in those respects, so far from seeking an exclusive preference for British subjects over those of foreign states, England was prepared, and would be contented, to see the mother country (by virtue of an amicable arrangement) in possession of that preference; and to be ranked, after her, equally with others, on the footing of the most favoured nation.

That, completely convinced that the ancient system of the colonies could not be restored, the British government could not enter into any stipulation binding itself either to refuse or to delay its recognition of their independence.

That the British government had no desire to precipitate that recognition, so long as there was any reasonable chance of an accommodation with the mother country, by which such a recognition might come first from Spain.

But that it could not wait indefinitely for that result; that it could not consent to make its recognition of the new states dependent upon that of Spain; and that it would consider any foreign interference, by force or by menace, in the dispute between Spain and the colonies, as a motive for recognizing the latter without delay.

That the mission of consuls to the several provinces of Spanish America was no new measure on the part of this country: that it was one which had, on the contrary, been delayed, perhaps too long, in consideration of the state of Spain, after having been announced to the Spanish government in the month of December last, as settled; and even after a list had been furnished to that government of the places to which such appointments were intended to be made.

That such appointments were absolutely necessary for the protection of British trade in those countries.

That the old pretension of Spain to interdict all trade with those countries, was, in the opinion of the British government, altogether obsolete; but that, even if attempted to be enforced against others, it was, with regard to Great Britain, clearly inapplicable.

That permission to trade with the Spanish colonies had been conceded to Great Britain in the year 1810, when the mediation of Great Britain between Spain and her colonies was asked by Spain, and granted by Great Britain: that this mediation, indeed, was not afterwards employed, because Spain changed her counsel; but that it was not, therefore, practicable for Great Britain to withdraw commercial capital once embarked in Spanish America, and to desist from commercial intercourse once established.

That it had been ever since distinctly understood that the trade was open to British subjects, and that the ancient coast laws of Spain were, so far as regarded them at least, tacitly repealed.

That in virtue of this understanding, redress had been demanded of Spain in 1822, for (among other grievances) seizures of vessels for alleged infringements of those laws: which redress the Spanish government bound itself by a convention (now in course of execution) to afford.

That Great Britain, however, had no desire to set up any separate right to the free enjoyment of this trade; that she considered the force of circumstances, and the irreversible progress of events, to have already determined the question of the existence of that freedom for all the world; but that, for herself she claimed, and would continue to use it; and should any attempt be made to dispute that claim, and to renew the obsolete interdiction, such attempt might be best cut short by a speedy and unqualified recognition of the independence of the Spanish American States.

That, with these general opinions, and with these peculiar claims, England could not go into a joint deliberation upon the subject of Spanish America, upon an equal footing with other powers, whose opinions were less formed upon that question, and whose interests were less implicated in the decision of it.

That she thought it fair therefore to explain beforehand, to what degree her mind was made up, and her determination taken.

The prince de Polignac declared,—

That his government believed it to be utterly hopeless to reduce Spanish America to the state of its former relation to Spain.

That France disclaimed, on her part, any intention or desire to avail herself of the present state of the colonies, or of the present situation of France towards Spain, to appropriate to herself any part of the Spanish possessions in America, or to obtain for herself any exclusive advantages.

And that, like England, she would willingly see the mother country in possession of superior commercial advantages, by amicable arrangements; and would be contented, like her, to rank, after the mother country, among the most favoured nations.

Lastly, that she abjured, in any case, any design of acting against the colonies by force of arms.

The prince de Polignac proceeded to say,

That, as to what might be the best arrangement between Spain and her colonies, the French government could not give, nor venture to form an opinion, until the king of Spain should be at liberty.

That they would then be ready to enter upon it, in concert with their allies, and with Great Britain among the number.

In observing upon what Mr. Canning had said, with respect to the peculiar situation of Great Britain, in reference to such a conference, the prince de Polignac declared,

That he saw no difficulty which should prevent England from taking part in the conference, however she might now announce the difference in the view which she took of the question, from that taken by the allies. The refusal of England to co-operate in the work of reconciliation might afford reason to think, either that she did not really wish for that reconciliation, or that she had some ulterior object in contemplation, two suppositions equally injurious to the honour and good faith of the British cabinet.

The prince de Polignac further declared,

That he could not conceive what could be meant, under the present circumstances, by a pure and simple acknowledgment of the independence of the Spanish colonies; since, those countries being actually distracted by civil wars, there existed no government in them which could offer any appearance of solidity; and that the acknowledgment of American independence, so long as such a state of things continued, appeared to him to be nothing less than a real sanction of anarchy.

The prince de Polignac added,

That, in the interest of humanity, and especially in that of the Spanish colonies, it would be worthy of the European governments to concert together the means of calming, in those distant, and scarcely civilized regions, passions blinded by party spirit; and to endeavour to bring back to a principle of union in government, whether monarchical or aristocratical, people among whom absurd and dangerous theories were now keeping up agitation and disunion.

Mr. Canning, without entering into discussion upon these abstract principles, contented himself with saying,

That, however desirable the establishment of a monarchical form of government in any of those provinces might be, on the one hand, or whatever might be the difficulties in the way of it, on the other hand, his government could not take upon itself to put it forward as a condition of their recognition.

P. G. C.

No. II.—Sir William A'Court to Mr. Secretary Canning. (Received Jan. 14.)

(Extract.) Madrid, Dec. 30, 1823.

The enclosed note, though dated the 26th, did not reach me till yesterday. By my answer, a copy of which I have the honour to enclose, you will see, that I merely acknowledge its receipt, promising to transmit it to my government.

(Signed) WILLIAM A'COURT.

(Translation of First Enclosure in No. 2.)
Count Ofalia to Sir William A'Court.

Palace, Dec. 26, 1823.

Honoured Sir,—I have the honour to inform you that the king, my august master, has determined to devote his particular attention to the regulation of the affairs concerning the disturbed countries of Spanish America, being solicitous to succeed in pacifying his dominions, in which the seeds of anarchy have taken root, to the prejudice of the safety of other governments. His majesty has therefore thought, that he might justly calculate on the assistance of his dear allies, towards obtaining results which cannot but prove beneficial to the tranquillity and happiness of all Europe.

The enclosed copy will put you, Sir, in possession of the orders issued to his Catholic majesty's representatives at the Courts of Austria, France, and Russia; and as the ministers of Spain have not yet proceeded to London and Berlin, the king has directed me to address to you, Sir, and to the minister of Prussia at this Court, a transcript of the said communication; which his majesty hopes you will have the goodness to transmit to your government, whose friendship and upright policy, the king, my master, trusts, will know how to appreciate the frankness of this communication, and the equity which has dictated the basis on which it is founded.

I avail myself of this opportunity, &c.

(Signed) THE CONDE DE OFALIA.

To the Minister of England.

(Translation of Second Enclosure in No. 2.)

Count Ofalia to his Catholic majesty's Ambassador at Paris, and ministers Plenipotentiary at St. Petersburgh and Vienna.

The king, our sovereign, being restored to the throne of his ancestors in the enjoyment of his hereditary rights, has seriously turned his thoughts to the fate of his American dominions, distracted by civil war and brought to the brink of the most dangerous precipice. As during the last three years the rebellion which prevailed in Spain defeated the constant efforts which were made for maintaining tranquillity in the Costa Firma, for rescuing the banks of the river Plata, and for preserving Peru and New Spain; his majesty beheld with grief the progress of the flame of insurrection: but it affords, at the same time, consolation to the king, that repeated and irrefragable proofs exist of an immense number of Spaniards remaining true to their oaths of allegiance to the throne; and that the sound majority of Americans acknowledge that that hemisphere cannot be happy unless it live in brotherly connexion with those who civilized those countries.

These reflexions powerfully animate his majesty to hope that the justice of his cause will meet with a firm support in the influence of the powers of Europe. Accordingly, the king has resolved upon inviting the cabinets of his dear and intimate allies to establish a conference at Paris, to the end that their plenipotentiaries, assembled there along with those of his Catholic majesty, may aid Spain in adjusting the affairs of the revolted countries of America. In examining this important question, his majesty will, in conjunction with his powerful allies, consider of the alterations which events have produced in his American provinces, and of the relations, which, during the disorders, have been formed with commercial nations; in order thereby to adopt with good faith the measures most proper for conciliating the rights and just interests of the Crown of Spain and of its sovereignty, with those which circumstances may have occasioned with respect to other nations. His majesty, confiding in the sentiments of his allies, hopes that they will assist him in accomplishing the worthy object of upholding the principles of order and legitimacy, the subversion of which, once commenced in America, would presently communicate to Europe; and that they will aid him, at the same time, in re-establishing peace between this division of the globe and its colonies.

It is, therefore, his majesty's pleasure, that, penetrated with these reasons, and availing yourself of the resources of your well-known talents, you should endeavour to dispose the government with which you reside, to agree to the desired co-operation, for which the events of the Peninsula have paved the way; authorising you to communicate a copy of this note to the minister for Foreign Affairs. God preserve you many years.

(Signed) THE CONDE DE OFALIA.

(Third Enclosure in No. 2.)

Sir William A'Court to Count Ofalia.

Madrid, Dec. 30, 1823.

The undersigned, &c. &c. has the honour to acknowledge the receipt of the count Ofalia's note, dated the 26th of this month. He will hasten to submit it to his government. He begs his excellency to accept, &c.

(Signed) WILLIAM A'COURT.

No. III.—Mr. Secretary Canning to Sir W. A'Court.

Foreign Office, Jan. 30, 1824.

Sir,—The messenger, Latchford, delivered to me, on the 14th instant, your despatch, enclosing a copy of the count de Ofalia's official note to you of the 26th of December last; with the accompanying copy of an instruction, which has been addressed, by order of his Catholic majesty, to his ambassador at Paris, and to his ministers plenipotentiary at the courts of Vienna and St. Petersburgh.

Having laid these papers before the king, I have received his majesty's commands to direct you to return to them the following answer:—

The purpose of the Spanish instruction is, to invite the several powers, the allies of his Catholic majesty, to "establish a conference at Paris, in order that their plenipotentiaries, together with those of his Catholic majesty, may aid Spain in adjusting the affairs of the revolted countries of America."

The maintenance of the "sovereignty" of Spain over her late colonies is pointed out in this instruction as one specific object of the proposed conference; and though an expectation of the employment of force for this object, by the powers invited to the conference, is not plainly indicated, it is not distinctly disclaimed.

The invitation contained in this instruction not being addressed directly to the government of Great Britain, it may not be necessary to observe upon that part of it, which refers to the late "events in the Peninsula," as having "paved the way" for the "desired co-operation."

The British government could not acknowledge an appeal founded upon transactions to which it was no party. But no such appeal was necessary. No variation in the internal affairs of Spain has, at any time, varied the king's desire to see a termination to the evils arising from the protracted struggle between Spain and Spanish America; or his majesty's disposition to concur in bringing about that termination.

From the year 1810, when his majesty's single mediation was asked and granted to Spain, to effect a reconciliation with her colonies,—the disturbances in which colonies had then but newly broken out,—to the year 1818, when the same task, increased in difficulty by the course and complication of events in America, was proposed to be undertaken by the allied powers assembled in conference at Aix-la-Chapelle; and from the year 1818 to the present time, the good offices of his majesty for this purpose have always been at the service of Spain, within limitations and upon conditions which have been in each instance explicitly described.

Those limitations have uniformly excluded the employment of force or of menace against the colonies, on the part of any mediating power; and those conditions have uniformly required the previous statement by Spain, of some definite and intelligible proposition, and, the discontinuance, on her part, of a system utterly inapplicable to the new relations which have grown up between the American provinces and other countries.

The fruitless issue of the conferences at Aix-la-Chapelle would have deterred the British government from acceding to a proposal for again entertaining, in conference, the question of a mediation between Spain and the American provinces, even if other circumstances had remained nearly the same. But the events which have followed each other with such rapidity during the last five years, have created so essential a difference, as well in the relative situation in which Spain and the American provinces stood, and now stand to each other, as in the external relations and the internal circumstances of the provinces themselves, that it would be vain to hope that any mediation, not founded on the basis of independence, could now be successful.

The best proof which the British government can give of the interest which it continues to feel for Spain is, to state frankly their opinion as to the course most advisable to be pursued by his Catholic majesty; and to answer with the like frankness the question implied in M. Ofalia's instruction, as to the nature and extent of their own relations with Spanish America.

There is no hesitation in answering this question. The subjects of his majesty have for many years carried on trade and formed commercial connexions in all the American provinces, which have declared their separation from Spain.

This trade was originally opened with the consent of the Spanish government. It has grown gradually to such an extent as to require some direct protection, by the establishment at several ports and places in those provinces, of consuls on the part of this country—a measure long deferred out of delicacy to Spain, and not resorted to at last without distinct and timely notification to the Spanish Government.

As to any further step to be taken by his majesty towards the acknowledgement of the *de facto* governments of America, the decision must (as has already been stated more than once to Spain and to other powers) depend upon various circumstances; and, among others, upon the reports which the British government may receive of the actual state of affairs in the several American provinces.

But it appears manifest to the British government, that if so large a portion of the globe should remain much longer without any recognized political existence or any definite political connexion with the established governments of Europe, the consequences of such a state of things must be at once most embarrassing to those governments, and most injurious to the interests of all European nations.

For these reasons, and not from mere views of selfish policy, the British government is decidedly of opinion, that the recognition of such of the new states as have established *de facto* their separate political existence, cannot be much longer delayed.

The British government have no desire to anticipate Spain in that recognition. On the contrary, it is on every account their wish, that his Catholic majesty should have the grace and the advantage of leading the way, in that recognition, among the Powers of Europe. But the court of Madrid must be aware, that the discretion of his majesty in this respect cannot be indefinitely bound up by that of his Catholic majesty; and that even before many months elapse, the desire now sincerely felt by the British government, to leave this precedency to Spain, may be overborne by considerations of a more comprehensive nature,—considerations regarding not only the essential interests of his majesty's subjects, but the relations of the old world with the new.

Should Spain resolve to avail herself of the opportunity yet within her power, the British government would, if the court of Madrid desired it, willingly afford its countenance and aid to a negotiation, commenced on that only basis, which appears to them to be now practicable; and would see, without reluctance, the conclusion, through a negotiation on that basis, of an arrangement, by which the mother country should be secured in the enjoyment of commercial advantages superior to those conceded to other nations.

For herself, Great Britain asks no exclusive privileges of trade, no invidious preference, but equal freedom of commerce for all.

If Spain shall determine to persevere in other counsels, it cannot but be expected that Great Britain must take her own course upon this matter, when the time for taking it shall arrive; of which Spain shall have full and early intimation.

Nothing that is here stated can occasion to the Spanish government, any surprise.

In my despatch to sir Charles Stuart of the 31st of March, 1823, which was communicated to the Spanish government, the opinion was distinctly expressed, that "time and the course of events had substantially decided the separation of the colonies from the mother country; although the formal recognition of those provinces, as independent states, by his majesty, might be hastened or retarded by various external circumstances, as well as by the more or less satisfactory progress, in each state, towards a regular and settled form of government."

At a subsequent period, in a communication* made in the first instance to France, and afterwards to other powers,† as well as to Spain, the same opinions were repeated; with this specific addition, that in either of two cases (now happily not likely to occur), in that of any attempt on the part of Spain to revive the obsolete interdiction of intercourse with countries over which she has no longer any actual dominion: or in that of the employment of foreign assistance to re-establish her dominion in those countries by force of arms; the recognition of such new states by his majesty would be decided and immediate.

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* The Memorandum of conference.—No. 1.

† Austria, Russia, Prussia, Portugal, the Netherlands, and the United States of America.

After thus declaring to you, for the information of the court of Madrid, the deliberate opinion of the British government on the points on which Spain requires the advice of her Allies, it does not appear to the British Cabinet at all necessary to go into a conference, to declare that opinion anew; even if it were perfectly clear, from the tenour of M. Ofalia's instruction, that Great Britain is in fact included in the invitation to the conference at Paris.

Every one of the powers so invited has been constantly and unreservedly apprised not only of each step which the British government has taken, but of every opinion which it has formed on this subject —and this despatch will be communicated to them all.

If those powers should severally come to the same conclusion with Great Britain, the concurrent expression of their several opinions cannot have less weight in the judgment of Spain,—and must naturally be more acceptable to her feelings, than, if such concurrence, being the result of a conference of five powers, should carry the appearance of a concerted dictation.

If (unhappily, as we think) the allies, or any of them, should come to a different conclusion, we shall at least have avoided the inconvenience of a discussion by which our own opinion could not have been changed;—we shall have avoided an appearance of mystery, by which the jealousy of other parties might have been excited; we shall have avoided a delay which the state of the question may hardly allow.

Meanwhile, this explicit recapitulation of the whole course of our sentiments and of our proceedings on this momentous subject, must at once acquit us of any indisposition to answer the call of Spain for friendly counsel, and protect us against the suspicion of having any purpose to conceal from Spain or from the World.

I am, &c.

(Signed) GEORGE CANNING.

FOREIGN SILKS—PETITION AGAINST IMPORTATION OF.] Mr. *Ellice* presented a petition from the silk weavers of Coventry against the importation of Foreign Silks. The hon. gentleman stated, that the petitioners alleged, that so long as the prohibition on the importation of foreign corn, and the consequent increase of the price of provisions continued, with the great pressure of taxation, it was out of the question to expect that the English manufacturers of silk could run the race of competition with the French artisans. The principal outlay in the manufacture of this article was, to a great extent in meeting the price of labour; now, that price was double as much in this country as it was in France. Such a difference prevented the chance of a successful competition. And it was an extraordinary fact, that at the very moment the master manufacturers of Coventry were assembled to consider of the propositions of the chancellor of the Exchequer, a representation was actually made to them by the magistrates of that city, that it was impossible for the labourers employed by them to go on, without an increase of wages, under the advancing price of provisions. At all events, he besought the chancellor of the Exchequer not to permit any great interval of time to elapse before he put these manufacturers in possession of his determination. Under existing circumstances, and the consequent state of uncertainty, the whole trade was suspended. It was impossible that such a state of things could long go on without disagreeable results.

Mr. *Robertson* contended, that the petitioners did not view the proposition of the chancellor of the Exchequer in the true light. The object was, not to increase the domestic consumption of the articles manufactured of silk, but to extend the foreign commerce of the country, by enabling foreigners to have that assortment in this country which allowed them to complete their investments. The question for removing the prohibition on the exportation of long wool was a more delicate one, the article being the exclusive growth of this country; but still he thought viewing the other great interests of the state, that, by the reduction of the tax, more general benefit would arise than partial evil to any particular class.

Mr. *P. Moore* rose for the purpose of giving his decided support to the petition. The House would recollect, that the city of Coventry contained a population of nearly 50,000 persons, the greater proportion of whom depended for actual subsistence on the prosperity of the ribbon trade. When that trade flourished, the whole of Coventry smiled; when it drooped its whole population were reduced to a distress, so general, as to throw upwards of ten thousand persons upon the poor's rate. He had, therefore, to express his most anxious hopes, that the chancellor of the Exchequer would take the case of such a body of industrious persons into his consideration, and not persevere in a measure that must destroy their trade and subsistence.

Ordered to lie on the table.

FRENCH PECUNIARY INDEMNITY.] Colonel *Davies* rose, pursuant to notice, to move for the production of certain papers, calculated to shew the application of the Monies received from France by way of Indemnity. The question had been already submitted to the consideration of parliament in a most able and eloquent speech, by his distinguished friend the member for Knaresborough (sir J. Mackintosh). The constitutional objections which his hon. friend had then offered to the appropriation of monies thus accruing had been too forcibly expressed in that House to be soon forgotten, and, therefore, it was not his intention to enlarge upon the subject, but powerful as were the arguments of his distinguished friend, they were not successful at the time. It was contended by ministers, that money, thus obtained, was to be considered as droits of the Crown, and that consequently the executive were not responsible. But if the ministers were not responsible, where was the necessity of accounts? If they were the stewards of the people, the money they received, in consequence of those treaties, was the property of the people, and could only be appropriated by a vote of their representatives. Had the right hon. gentleman, who now filled the office of chancellor of the Exchequer, been in the same situation at that time, he felt a strong persuasion that no such objections would have been put forth. In the appropriation of that money there was a sum of 9,971*l.* given to the chevalier Canova, for the removal of the works of art from Paris. Perhaps there was no one measure that gave greater virulence to the inveterate hatred of Frenchmen against this country than the removal of those works from the Louvre for which this amount was paid. After fighting the battles of Europe, or subsidizing other nations to fight their own battles, Great Britain had to pay, above the amount of the French indemnity 1,269,000*l.* for the support of our army of occupation in France. The hon. member concluded with moving for a variety of accounts, tending to shew the specific appropriation of the money received under the head of French indemnity.

The *Chancellor of the Exchequer* observed, that whatever difference of opinions existed heretofore on the question of constitutional right, as to whom the money thus received belonged, he should now say, that it formed no part of the present consideration. It was sufficient for him, in answer to the hon. and gallant member, to state that he had no objection to the returns called for, satisfied that such returns would afford a full and satisfactory explanation of the manner in which such money was applied.

The motion was agreed to.

RENEWAL OF OFFICES ON THE DEMISE OF THE CROWN.] Sir *R. Heron* rose to ask leave to bring in a bill to prevent the necessity of the Renewal of Offices on the Demise of the Crown. It might be proper for him to account for the delay which had occurred since the time—nearly two years ago—at which he had given his first notice of a motion on this subject. At that time there were so many subjects of pressing and immediate expediency, that he thought it best to give way. In the course of last session, the temporary indisposition of the king prevented him. It ocurred to him, that such a moment would be the most unfit in point of delicacy, and that respect which was at all times due from the parliament to the Crown. It was well known that formerly, the occupation of every office, and the existence of parliament itself, terminated with the life of the king. It was found that great incovenience arose from this sudden suspension of all the legislative and executive functionaries, and a bill was brought in to prevent that effect with respect to the parliament. Various acts were passed from time to time which partially and by degrees removed the inconvenience of the renewal, with respect to some of the superior offices. At length it suggested itself to the enlightened mind of the late Mr. Ponsonby, to extend that principle, to introduce a temporary bill to prevent the renewal of offices on the demise of the late king. He was persuaded that Mr. Ponsonby's motive for limiting his measure to a temporary bill, was for the purpose of getting, in the first stage, the assent of many who would have been indisposed to go further. Now, he was utterly at a loss to discover any one objection that was applicable to his present object, that was not equally applicable to Mr. Ponsonby's bill. On what principle was it, that a large class of meritorious officers were to be taxed to produce a large amount of revenue to the lord chancellors and to the attorney-generals? Either these high offices were already well paid, or they were not. If they were well paid, they did not stand in need of such an augmentation, particularly on a principle of an accidental and fortuitous nature. And if they were ill paid, through he would not give a shilling to a useless officer, yet he felt that it was the opposite of economy to refuse ample remuneration to effective service. The House would feel it to be a great hardship to the officers of the army and navy, to be obliged to pay large fees on the renewal of their commissions, and which they were obliged to do by the existing law. He did not see how it could be contended, that the moment of the accession of a new sovereign to the throne was that which ought to be chosen for sanctioning so ungracious a proceeding. In fact, he found it extremely difficult to imagine what could be the objection to any part of his proposed measure. He had heard something of its being objected to on a constitutional principle. What constitutional principle it affected, he was wholly at a loss to discover. Although, when Mr. Ponsonby's bill was passed in 1817, there was a regency, yet his late majesty's bodily health was at that time very good; at least so it was stated in the bulletins, and no doubt ministers would not have permitted the people to be deceived on that point. He might therefore have recovered, and resumed the regal functions; and unquestionably it might have been advisable on the part of the prince regent to take care, that in that event his father should not find himself surrounded by persons, against whom, unfortunately, he had so long entertained a political objection. But, unless the measure were opposed on constitutional grounds, he was really at a loss to know on what grounds it would be opposed. He thought no one could possibly defend the payment of the fees, considering the manner in which they went adventitiously into the pockets of various persons. They might pass by a chancellor, grown grey in the harness, and who had been a quarter of a century in office, and fall to an upstart, without experience, and who might afterwards prove the most profligate of the human race. In making this observation, he begged not for a moment to be supposed to mean any thing of a personal nature. The hon. baronet concluded by moving, for leave "to bring in a bill to prevent the necessity of the Renewal of Offices on the Demise of the Crown."

Mr. Secretary *Canning* observed, that the hon. baronet had kept his word with the House in refraining from going into any great length on the subject of his motion, and he would follow the hon. baronet's example. The hon. baronet appeared, indeed, to assume, without argument, that considerable alterations were necessary in the principles of the constitution, even in the most sacred of them. He knew none more sacred than that which threw on the Crown the most pleasing, and took away from it the most unpleasing functions. But, the hon. baronet seemed to think, that a new sovereign ought immediately to have imposed upon him acts of severity and harshness; and that he should have a ministry fastened on him who had not received his approbation, unless he had recourse to the ungracious step of instantly dismissing them. He must either leave his cabinet precisely as he found it, or act with apparent harshness. Now, it was one of the great principles of the constitution, that every appointment under the Crown flowed as a favour from the Crown; and it was neither just nor wise to invert that principle, and to assume, that, at the demise of the Crown, every man possessed of office must remain in office, unless dismissed by the new sovereign. One of the hon. baronet's views was very inaccurate. The hon. baronet had said, that in former times, not only offices but parliament itself terminated on the demise of the Crown; but that was felt to be so monstrous a thing, that the legislature stepped in to prevent it. But the principle now was, that parliament did terminate at the demise of the Crown. It was true, that to prevent confusion, the dissolution was postponed until six months after the demise of the Crown, not on the principle which the hon. baronet supposed, but on the principle, that parliament ceased and extinguished on the demise of the Crown, but continued assembled for six months for practical purposes. Such being the case, the House would at once see the importance of placing the great officers of the Crown on the same footing, and thereby not imposing upon the new sovereign the harsh necessity of beginning his reign by the dismissal of any of his servants. If they agreed to the bill recommended by the hon. baronet, and enacted that ministers should remain in office until they were dismissed, they would invert the whole practice of the constitution, and, instead of leaving it to the new monarch to perform acts of favour, would throw on him the ungracious task of inflicting disgrace. On that ground alone he must oppose the motion. Nor was that ground changed by the bill passed in 1817, called Mr. Ponsonby's bill, in which parliament acquiesced, because in the event of the demise of the Crown at that time, there would have been in fact no change of the sovereign authority, and his royal highness the prince regent had, in the former part of his regency, made his choice of ministers. The change from unrestricted power, as regent, to his power as king, was a change in title not in substance. Mr. Ponsonby's bill, therefore, afforded no precedent for the bill proposed by the hon. baronet. Whether some relief might or might not be afforded to certain offices expiring on the termination of a reign, he was not immediately prepared to say. A relief might be afforded in the article of stamps. [It was observed by Mr. Hume, "and of fees."] Aye, and of fees; but that could not be done without some previous inquiry into the nature of particular offices. The hon. baronet, however, had placed the question on broad constitutional or rather unconstitutional grounds. He wholly differed from the hon. baronet. He would not change the character of the privileges of the monarch on his accession, nor consent to his being bound up by the act of his predecessor, unless he chose to rescue himself from his trammels by severity.

Mr. *Hume* thought, that an important part of the object of the hon. baronet, namely, that which related to the fees, might be obtained without going to the extent proposed by the hon. baronet's bill. That was at present a very great hardship, especially as it respected the army and the navy; and he thought a satisfactory arrangement might be made with regard to it. Few of the persons who held high official appointments would mind the expense of fees; but, to many of the officers of the army and navy, and to others, it was of importance, and, therefore, whether the bill were withdrawn or not, he trusted that that part of the subject would be taken into consideration.

Mr. *Brougham* remarked, that the whole argument of the right hon. gentleman was applicable to the form and to the substance of the proposed measure. The question was, to what description of offices it was fit that it should apply? It appeared to him, that a previous inquiry would be the most satisfactory way of proceeding; and he suggested to his hon. friend the expediency of withdrawing his present motion, for the purpose of moving for the appointment of a committee, to examine and ascertain the facts.

Mr. *Tierney* was of a similar opinion. The inequality of the fees was, he said, at present most unjust. Some of them were exorbitant; on several offices they amounted to two or three thousand pounds. He was at a loss to conceive how an act of the sovereign, by which so many of his subjects were required to pay a heavy fine, could be called an act of grace and favour.

Mr. *Canning* observed, that this was very different from a mere question of fees. He was sure the hon. baronet would disdain the narrow ground on which his hon. and learned and his right hon. friend wished to place his motion. The fact was, that the hon. baronet's object was, to amend the constitution; to place the monarch in a situation in which he had not before been placed. It was impossible that the hon. baronet should have been concocting his bill for two years, and that then he should make it the miserable, paltry, money question that the hon. and learned and the right hon. gentlemen wished to make it. As to Mr. Ponsonby's bill, the word "fees" was not in it.

Mr. *Brougham* said, it was his firm belief, that the right hon. gentleman and those who opposed this bill would not have done so, if it related to constitutional principles only; but that their opposition was excited by the "miserable, paltry question" of fees.

Mr. *Denman* thought the proposed bill might be important in a view which had not hitherto been taken of it. It was one of the first acts of the last reign to make the office of a judge independent of the demise of the Crown, with a view to preserve the purity of the administration of that office. Now, there were other judicial offices which ought to be placed in the same situation; for instance, there were various commissions of inquiry which, under the existing law, would become inefficient on the demise of the Crown. The commission of every magistrate in the country would also cease under the same circumstances. Those were great objects; and ought not to be relinquished. He thought, therefore, that his hon. friend ought to be allowed to bring in his bill.

Mr. Secretary *Peel* said, he had come to a conclusion exactly opposite to that of the hon. and learned gentleman who had just spoken. So forcible an objection to the bill, as the fact which had been stated by the hon. and learned gentleman in its favour, had not previously occurred to him. To render the judicial office independent, parliament had stepped out of its way, and provided that that office should not cease on the demise of the the Crown. But the hon. and learned gentleman wished the hon. baronet's bill to be brought in, by which bill the army and navy would be put on the same footing of independence of the Crown as the judges.

Sir *R. Heron* disclaimed any share in "concocting" the measure. It was word for word, with the exception of the provision respecting magistrates, copied from Mr. Ponsonby's bill. If the gentlemen opposite, therefore, thought the measure so erroneous in principle, and calculated to give so harsh a character to the exercise of the royal prerogative, why did they agree to Mr. Ponsonby's bill? For this was the same bill, except that it was perpetual instead of being temporary. The principal object of the bill was to prevent immense sums from coming adventitiously into the pockets of persons not entitled to them. As for the change in the constitution which the right hon. gentleman imputed to the bill, he could not see any. He would, however, withdraw his motion, and take time to consider what further proceedings to adopt.

The motion was withdrawn.

POYAIS EMIGRATION.] Mr. *Hume* wished to put a question to the right hon. gentleman opposite. The evils which had resulted from the emigration to Poyais were well known to the House. He understood, that an office called the "Poyais Emigration-office" was now opened in London, for the purpose of receiving money from persons who were disposed to emigrate, and that a number of individuals had been prevailed upon by the representations held out to them, and were collecting their all for the purpose of proceeding to settle in New Zealand. It was of the utmost importance to these persons and to the public in general, to know what foundation existed for the promises which were held out to them. He therefore requested the right hon. gentleman to inform him, whether these proceedings were sanctioned by his majesty's government, or whether there was any probability of their success?

Mr. *Wilmot Horton* said, the office to which the hon. gentleman alluded was altogether without the sanction of the government, and the people could not be too cautious in listening to the delusive representations which were made to them, and in relying on the promises of the mercenary projectors.

COUNTY COURTS BILL.] On the motion of lord Althorp, that this bill be read a second time,

The *Attorney-General* rose to propose that some indemnity should be provided for the Prothonotaries and other officers of the Court of Common Pleas. Those officers held their places by patent, and had paid large sums for the purchase of them; and he submitted, that upon the principle which the House had recognized in other cases, they were entitled to be recompensed for any loss they might sustain by the bill now in progress. If the Court of Common Pleas were to be abolished altogether, there could be no doubt that the House would feel it necessary to provide for these officers, and as their emoluments were now to be materially diminished, he thought they had a proportionate claim. There were officers of the Court of King's Bench who were equally entitled, but these would probably be brought before the House by some other person.

Mr. *Hume* hoped, that if the noble lord adopted the learned gentleman's suggestion, he would also insert a clause to prevent all such offices from being sold in future.

Dr. *Lushington* thought the House might, with great propriety, institute an inquiry into this subject. Nothing could be more detrimental to the administration of justice, than that such offices should be sold; by which practice they might fall into the hands of persons who were not capable of performing their duties. One of the offices in the court of Exchequer was at this moment held by a lady of quality. It was not necessary to go further, to prove the absurdity of this practice. Nothing could be more preposterous. Owing to the difference of fees, too, between the courts of Common Pleas and Exchequer, and the King's Bench, parties could not resort to the former courts upon the same terms, as they could to the latter: the consequence of which was, that the latter was loaded with business, while the others were comparatively deserted. This subject had been often in his mind, and the only difficulty he felt in proposing some measure to the House was, how to dispose of the claims of the existing agents.

Mr. *Bernal* said, that a commission ought to be issued, for the purpose of inquiring into the abuses of the law courts. Nothing, he was convinced, would operate on the system but a commission, with very extensive powers, or a committee of that House.

Lord *Althorp* said, the question of compensation presented many and very great difficulties. He admitted, that where parties were in the possession of vested rights, they were entitled to be indemnified for any damage which those rights might sustain; but this principle did not apply to the case of a diminution of fees. He apprehended that if this principle were once admitted, the House would have to go much further than was at present contemplated.

The bill was read a second time.

HOUSE OF COMMONS.

Friday, March 5.

PROTESTANT CHURCH IN IRELAND—TITHE COMPOSITION.] Sir *John Newport* presented a Petition from the parish of Devenish, in the county of Fermanagh, complaining that its parishioners had been long inconvenienced for the want of a Church. That parish comprehended one hundred and thirty heads of families, all Protestants, and yet was deprived of a place of worship. Formerly there had been a chapel of ease, but the ground on which it stood became the object of a Chancery suit, on which there was now an appeal depending. The rector under these circumstances felt it much more convenient not to take any step towards a remedy, as he had no curate to pay. The petitioners, therefore, prayed that a grant might be made out of the First-Fruits Fund for the purpose of erecting a Church. He also held in his hand a number of petitions, all complaining of the same grievances, and seeking the same protection from the House. The petitions were from a number of parishes in the south of Ireland against the introduction of any compulsory clause in the Tithe-composition law. In some of these parishes, there was no church at all, in others the churches had been suffered to fall into decay and in many there neither was nor had been a resident rector. One of those parishes, in which there was no church, consisted of 13,000 statute acres, and it had been united to two others of larger extent. The petitioners declared, that they saw nothing of the rector, and knew of his existence, or of the church establishment itself, only by the demand of his tithe-procter for the tithe. They therefore petitioned the House against any compulsory enactment, by which a tithe average would be taken for above the present price of produce. In the parish of Ballylough, the rector, Dr. Woodward, demanded from his parishioners a sum of 2,000*l.* a year, in lieu of compensation for his tithes. To this agreement the parishioners refused to accede and it had been stated to him (sir J. N.), from authority of the most respectable character, that the said rector had himself admitted, that in the year 1809, he had let his tithes to a Mr. Montgomery at 1600*l.* per annum, and that the proctor lost 200*l.* by the contract. That was in the year 1809, when all the articles of agricultural produce were much higher than at the present time. The petitioners therefore prayed the House, that they should not be exposed by any compulsion to such arrangements; for, bad and mischievous as was the payment of tithes in kind, it was still preferable to a system of averages so far above the value of present prices.

Mr. *Goulburn* said, it was not to be expected that he should be prepared to meet every individual case that was offered by hon. members. He still, in reference to the observations of the right hon. baronet, felt himelf bound to say, that there was not in Ireland a more worthy, excellent, or scrupulous clergyman than Dr. Woodward. All he (Mr. Goulburn) begged of the House at present was, that they would suspend their judgment on the statement which the right hon. baronet had made.

Mr. *Dawson* bore his testimony also to the excellent character of Dr. Woodward. He was an English gentleman possessed of property in his own country; but he preferred for the purpose of doing good to reside on his living in Ireland.

Sir *J. Newport* said, he was not in the habit of indulging in statements without inquiring into the grounds upon which they were founded. His authority for stating tothe House what he had felt it his duty to offer respecting Dr. Woodward, rested upon a communication that he had received from a peer of parliament, who was himself present at the meeting of the parishioners and who had authenticated every part of it. He should therefore have felt that he had derogated from the line of his duty, if he had hesitated to present petitions, or to enter upon the explanation he had done under such unquestionable authority.

Ordered to lie on the table.

SILK TRADE] Mr. *Baring* said, he had a petition to present on a subject of the utmost importance to the petitioners, and, as he conceived, to the whole country. It prayed the House not to consent to the proposition for taking off the prohibition on the importation of manufactured silks. The petition was signed by nearly all the most respectable individuals in London and the neighbourhood, concerned in the manufacture and trade of silk, without the admission of any of the labouring classes of the manufacturers. On the merits of the object of the petition, there was but one opinion throughout the trade; and, as he understood, the only objection made by a single individual was to some of the words used in the petition, and not in the remotest degree to the prayer, in which, on the contrary, all heartily concurred. But the question was one which affected not only a large part of the population of the metropolis, but also that of many country towns, and among the rest, the town which he had the honour to represent; in all of which, the proposition for taking off the prohibition on the importation of French silk was considered a serious grievance. Whether as the manufacturers or as the sellers of silk, they concurred in thinking that the removal of the prohibition, if persevered in, would be ruinous to their interests. For himself, he had given the most attentive consideration to the subject; being earnestly desirous, if possible, to discover reasons in support of the contrary side of the question, and of the principles of free trade; but he was bound to say, that after all that consideration, and notwithstanding that earnest desire, he was of opinion, that the petitioners were in the right. What ought to be most especially attended to was this—that if we introduced so much of the principles of free trade as to allow foreign manufactures to be brought into this country, we must go the whole length of the free system, and get rid of all those laws which prevented the equalization of the terms on which labour could be procured in this and in foreign countries. As long as the laws by which that equalization was prevented existed, it was absurd to talk to those, or to other petitioners, under similar circumstances, of the advantages that would result from free trade. To the reduction of the duty on the importation of raw silk, the silk manufacturers had not only no objection, but were of opinion that such a measure would be attended with great advantage to them. Whether the right hon. gentleman would give them that part of his plan unconnected with the other part, he did not know; but he really did think that a portion of the surplus revenue of which the right hon. gentleman had spoken, could not be better employed. But, notwithstanding the relief to the silk trade which this boon would impart, they were unanimously agreed to reject it, if it must be coupled with the introduction of foreign wrought silks into the country. In the first place the petitioners were ready to show, and able to show, by a comparison of the state of the silk manufacture in this and in foreign countries, that 30 per cent was an insufficient duty on the importation of foreign silks, and that, as all travellers who had observed the condition of the manufacture in England and in France must be aware, it ought to be at least 50 per cent, to put the two trades on any thing like a footing in point of price. It might be plausibly argued, that if the silk manufacturer were not protected by a duty of 30 per cent, how was it possible that he could be protected by a prohibition, notoriously evaded? But in the first place, it was not merely the Custom-house on the coast which at present protected the silk manufacturer from the competition of foreign silk manufacturers; but the power existing at home to seize foreign silk articles when they made their appearance. That was their real protection. Although some individuals, principally ladies, were in the practice of using French silks, it was a practice which was not carried to any great extent, and would not be so, as long as respectable and thinking persons knew that it was a violation of the laws of the country. In the next place, it must be recollected that this was a trade of fashion. In this respect it differed totally from other manufactures—from cotton, for instance. Some of the cotton manufactures might, to a certain degree, be articles of fashion; but silk manufactures were altogether so. Now, whatever might be the ultimately successful competition of our silk manufacturers with those of France, there could be no doubt for a time, such was the prevalent opinion in favour of French silks, that although in the course of years the prediction of the chancellor of the Exchequer, of the eventual triumph of our silk manufacturers, might be verified, shops would be opened in every street in London, for the sale of French silks, and that those shops would carry away all the custom. With the application of their chemical knowledge to dyeing, and with their other advantages, the French would have such a start in all the branches of their silk manufacture, that he was sure there would be no person by whom the French silks would not be exclusively used. It was not London alone that would be affected. Many country towns owed their present prosperity to the silk manufacture. Taunton, in particular, had changed from another manufacture to the silk manufacture. It was a manufacture which employed an immense number of persons. The manufacturers were at present extremely flourishing; and all they asked of his majesty's government and of parliament, was, to leave them alone. After all, the proposed regulation was devoid of all reciprocity on the part of France. If we were to sacrifice the silk manufacture, on the condition that our cottons and our iron were to be admitted into France, that might be some argument in favour of the proposition; but here there was no reciprocity at all. He did trust, therefore, that his majesty's ministers would abandon their intention. He should vote against the system of free trade in this instance, because the necessary preliminary laws were not provided. If Coventry, or any other place in Great Britain were to compete with Lyons, all the statutes establishing regulations between workmen and their masters must be done away with, in the first instance. Besides, the price of food in this country was at least double the present price in France. Taunton, formerly, was one of the cheapest places for provisions in the kingdom; but they were much dearer now in consequence of the growth of manufactures there. At Lyons and in Switzerland, the price of labour was not only extremely low, but the manufacturers obtained the raw material upon much better terms; so that, if admitted into competition, they would infallibly destroy the English trade in silk goods. It seemed that the chancellor of the Exchequer had adopted his determination in this respect, without obtaining information from any quarter; for there was not a man in the trade who would not have told him, that the project would be ruinous. The measure had no sponsor—nobody to be answerable for it but the right hon. gentleman; and, if he had taken the trouble to inquire, he would have found every body against his scheme that knew any thing of the subject. The alarm that universally prevailed ought alone to induce the chancellor of the Exchequer to take advice before he persevered. Such a determination ought certainly not to have been adopted without the previous sanction of a committee. It was fit that the decision of the right hon. gentleman to persevere in or to abandon his undertaking, ought to be made with as little delay as possible; for thousands of workmen were now in a state of the most anxious suspense.

Mr. Secretary *Canning* said, he did not rise to object to the bringing up of the petition; for no man was more disposed, on every act of the government, whether political or commercial, that the general sense of the country should be collected and stated to parliament. He begged the House to consider in what a situation all those were likely to be placed, if the reasoning of the hon. gentleman were adopted, who were desirous of introducing a practical illustration of a liberal system of commercial policy. It should be recollected, that this liberal system had been pressed upon ministers by the whole House, and by no individual with more effect and authority than by the same hon. member who had that night displayed so much ingenuity and acuteness in arguing against it. If the proposition of the hon. gentleman were agreed to, it would be vain to endeavour to adopt a more liberal system, either with respect to silk, or to any other branch of commerce. The hon. gentleman had said, that though it was very proper to apply these general principles, yet that great injustice would be done, if they were carried into effect, to the detriment of any particular trade, or if any particular trade were left untouched, and under the old regime. He had illustrated this point by a reference to the corn-laws; requiring that ministers should undertake to re-model them, as if they had not already enough upon their hands. He had next endeavoured to show, that the silk trade ought to be excepted from the general rule, even if the general rule were established. Why the grower of corn, or the stapler of wool were to suffer, and the manufacturer of silk were to be especially privileged, the hon. gentleman had failed to show. If there were peculiarities in his situation, they ought most assuredly to be duly considered: but, even if a case were made out, showing that this specific article ought not to be included in the general principle for which the hon. member had so often and so ably contended, still it would remain to be proved that the general principle ought to be abandoned. He denied equally that any case had been made out in favour of the silk trade, because perfect freedom did not exist with respect to corn. Even as to corn, he believed, that, among speculative men, there was a concurrence in the general principle. The hon. gentleman, however, was unwilling that any change should be made, until the whole system could be altered at once. If he waited until then, he might preach to eternity, on the excellence of his general principles, with a perfect certainty that they never would be carried into execution. Although, therefore, he did not oppose the reception of the petition, he must strenuously resist the adoption of the arguments on which it had been supported.

Mr. *Denman* said, he was happy to listen to the opinions which now seemed to be the fashion on the other side of the House. It was certainly true, that parliament ought not to wait until all inconvenient regulations were removed; but the question was, with regard to what branch of trade they could be removed with the least inconvenience? With respect to silk, it was quite clear, that the plan could not be carried into effect without a great deal of alarm and distress; and, if the trade could show a number of other taxes which might be remitted more beneficially to the people, it was due to Nottingham, Coventry, Taunton, and Macclesfield, that their interests should at least be considered. The chancellor of the Exchequer had not originally proposed the repeal of certain law taxes, which would operate a great relief; and what objection could any man urge to removing the imposts upon probates and legacies, upon the conveyance of lands, and indeed, all *ad valorem* duties of the same kind. He had no doubt that the ultimate result of this new scheme of policy would be not only innoxious but beneficial; but a conviction of the inconveniences and hardships attending the change, as applied to silk, would induce him to vote against it. Why was not the window tax repealed? Had any man, except the members of the government, the slightest affection for this impost? The question simply was, what duties could be removed with the greatest advantage, and with the least inconvenience; and, of all trades, that in silk was the last that ought to be tampered with. He, therefore, should support the prayer of the petition.

Mr. *Huskisson* said, he had expected that the hon. and learned gentleman who spoke last, was rising to advert to a part of the speech of the hon. member for Taunton, not touched upon by the right hon. secretary for foreign affairs, namely, prohibitions. He was surprised, after what the hon. gentleman had advanced upon previous occasions, to hear him defend that system. Those prohibitions gave powers to Custom-house officers which had not unfrequently been termed unconstitutional. They might search the person, or the dwelling, and resort to other modes of detection and examination, very irksome to the character of Englishmen. The hon. gentleman had applied himself altogether to the great benefit of continuing the tax, which formed no part of the plan of the chancellor of the Exchequer: he was for preserving the absolute prohibition, with all the consequences of clandestine introduction. When the hon. member for Taunton stated labour to be higher in this country than abroad, he seemed to forget, that if it were dearer as applied to one branch of manufacture, it was dearer with respect to all: in this particular, silk was not peculiar, and it was strange, that a mind so acute and enlightened, should have discovered that night, for the first time (probably in consequence of some intelligence from Taunton), that the price of labour in this country, was dearer than on the continent, in the manufacture of silk alone. The cotton and woollen trades, and, indeed, all branches, laboured under the same disadvantage; yet they were able to compete with foreigners. On the authority of a French writer, speaking from official documents, he would assert that, at this moment, and subject to these restrictions and to heavy duties, the export of silk manufactured goods from Great Britain to foreign markets exceeded the whole export of France. Was it to be supposed, then, that with a protecting duty of 30 per cent, the British silk manufacturer could not maintain his ground? The hon. gentleman had also expressed his astonishment that the subject had been brought forward by the chancellor of the Exchequer, without consulting the parties interested, and without information before a committee. He (Mr. H.) should have thought that government had neglected its duty, if it had not, with regard to the silk trade, attended in some degree to the repeated admonitions of the other side of the House; and recollecting the inquiries that had taken place in the other House of Parliament before committees, the present could not be fairly called an attempt to legislate without due information. He protested against the assumption, that either the House or the trade had been taken by surprise. The trade, indeed, had been the first to suggest the removal of restrictions; and he believed they would be nearly the first to rejoice at their removal.

Mr. *Davenport* contended, that the proposed plan would prove a damper, if not an extinguisher to the silk trade.

Mr. *Ellice*, although he approved of a liberal system of policy in matters of trade, was unwilling to commence the alteration with that branch of industry, which was exposed to the greatest chance of successful competition. The silk manufacture was not a native, but an exotic in this country; and in it we were still inferior to other rival nations. In the cotton trade, always considered analogous, the machinery was of our own invention, and from the first we had been able to defeat all competition. He claimed, before the present laws should be removed, that the silk manufacturer should be put in a situation to rival the foreigner. And here it was impossible not to advert to the state of our corn laws. How was it possible to rival the principal and favourite manufacture of France, while the price of bread in England was twice as high as in any other market of the civilized world? This dearness, too, was produced by the very system of restriction, which ministers would find it difficult to remove. The load of taxation was the great bar to our entering fully into this question. While every article of the poor man's comfort was burthened with duties, it would be impossible to enter successfully into competition with foreign nations. If he were asked the cause of the flourishing state of our manufactures during the last year, he should answer, that it arose from the cheapness of provisions; and, as corn was rising, he should be much mistaken if we were not on the eve of a change. He feared that this country was approaching to the state of Holland at the time from which she dated the decline of her commercial greatness. The interest of money was then only two per cent, while taxes pressed so heavily, that every species of productive labour was banished from the republic. Those taxes in this kingdom must be reduced in the first instance, or all other exertions would be fruitless. That was the end at which ministers must begin. When bread was as cheap, and taxes as low as they were on the continent, then, and then only, would Great Britain be able to compete with her neighbours. It was necessary for ministers speedily to decide, whether they would persevere in the course they had commenced, or abandon it at once. It was unfair to expect the chancellor of the Exchequer to give an answer that night; but, if it were possible to afford the loss to the revenue, it was still a question, whether most important interests were not endangered by removing on a sudden these restrictive prohibitions. It seemed useless to talk of imposing a duty of 30 per cent, when every body knew that silks could be imported by smugglers at 10 or 15 per cent. The mere labour formed five-sixths of the value of the article in this country, while abroad, it was comparatively trifling. The best mode of beginning the repeal of this objectionable system was by re-considering the corn laws; and, ere long, ministers would be driven to that, however they might now endeavour to avoid it. He would only further state, that at the present moment, whilst the masters complained, that from the price of labour they were unable to compete with foreigners, the labourers themselves complained, that their wages would scarcely furnish them with the means of subsistence—six shillings a week being the sum now paid.

Mr. Secretary *Peel* observed, that the hon. gentleman who spoke last had used two arguments, both of which he should like to submit to him calmly, and not in his capacity of member for Coventry. The first was this—"I admit the force of your reasoning in favour of a liberal system of commercial policy. But I ask you to look for some other prohibition that may safely be removed." Let the hon. gentleman point out any other branch of manufacture in which any such prohibition existed. In fact, there was none; and the hon. gentleman assumed the general policy to be prohibition, whereas, silk alone was the exception. Did not this afford one strong reason for repealing it? On steel, cotton, wool, and all the other great articles of manufacture, there was no prohibition, and yet in these it had been found that we were able to defy all competition. The second argument of the hon. gentleman was even more extraordinary, and led to a directly opposite inference to that which he had drawn from it. He had said that, in the silk manufacture, Great Britain was inferior to France, in point of taste and machinery. Now, did not this fact lead to the suspicion, that, on account of these prohibitions, the same improvements had not been made in this manufacture that had been made in all others? Let those prohibitions be removed, and our taste and our machinery would speedily improve. As to silk not being a native manufacture in this country, the hon. gentleman must indeed have been driven to an extremity for an argument, or he would not have resorted to that. It was quite as much a native manufacture of this country as cotton or linen, and had flourished in this soil for forty or fifty years. If, indeed, the hon. gentleman meant to distinguish it from the woollen trade, perhaps the distinction might in some points be fair. The hon. member for Taunton had asked, who was to be considered the sponsor of this plan? No individual, certainly, but those general principles which the hon. gentleman had himself invariably advocated. They were the sponsors, and were a higher authority than any advice from parties interested in the silk manufacture. After declaiming so often and so long in favour of the principles of free trade, let the House consider in what a light it would stand before Europe, if it did not attempt, instead of aiming at temporary popularity, to establish sound principles of commercial policy? How would those principles be prejudiced if, knowing them to be irrefragable, parliament, not having the courage to encounter difficulties, were to yield to the fears of the timid, or the representations of the interested?

Mr. *Ellice* denied, that he had said any thing about the superior taste, and machinery of France.

Mr. *Peel* regretted that he had misunderstood the hon. gentleman, but he had certainly supposed him to have urged that point.

Mr. *Philips* was of opinion, that the protecting duty of 30 per cent would be amply sufficient. Great changes must produce temporary inconveniences, and on this account the progress should be rendered as gradual as possible. He felt satisfied that the measures recently adopted by government would effect a great improvement in the commerce and manufactures of this country. It was evident that popularity was not their object; for the measures which they had selected were not popular. They were entitled to the thanks of the House and of the people: for they had evidently been influenced by a sincere desire to promote the prosperity of the country.

Sir *J. Newport* agreed with the hon. member, that ministers were entitled to the approbation of the House and the country for the measures which they had recently adopted. He believed they could not confer a greater benefit on the country, than by steadily persevering in that course. When an erroneous system had continued for a number of years, and formed a part of the general policy of the country, the difficulties of legislating with a view to the removal of the evils produced by such a system were greatly enhanced. It would therefore be the duty of the House to assist ministers in the great work of improvement, by giving them their cordial support.

Captain *Maberly* deprecated the clamour which had been raised against the endeavours of his majesty's government to introduce a sounder system of commercial policy, by the very parties whose interests those measures were essentially calculated to promote. It had been contended, that these measures ought not to be attempted, unless such an alteration was made in the corn laws as would lower the price of bread in the same proportion with other commodities. Now, there was no one principle in political economy which had been more frequently and ably inculcated by the late Mr. Ricardo, than that the high price of corn had no effect whatever on the price of other commodities.

Mr. *T. Wilson* felt himself called upon, as one of the representatives of the city of London, while he was ready to give his tribute of praise to the king's ministers, for the manly and candid manner in which they had brought forward their measures, to express his doubts as to their propriety or expediency, under the existing circumstances of the country. The opinion he had formerly expressed respecting the wool duties remained unchanged, and applied with equal force to those on silk. Until, by an alteration in the corn laws, the people of this country should be enabled to eat their bread as cheap as the people of foreign countries, the repeal of the duties on silk would fail of the end it was intended to accomplish. He was convinced of the inexpediency of the measure at the present moment; but he had one consolation, namely, that the chancellor of the Exchequer had expressed his readiness to enter into a full discussion of the subject.

Mr. *Littleton* said, that his constituents were unanimously opposed to the measure contemplated by his majesty's ministers, and if they persisted in pressing it, he should certainly feel it his duty to vote against it.

Mr. *Hume* said, there was one point of view in which this question had not been considered by any member who had yet addressed the House. He should be glad to know, who were the parties aggrieved by this measure? Who were the petitioners? The working men, or their masters, or both? Let the House consider what was the measure about to be adopted by his majesty's ministers. The evidence before the committee of the House of Lords had distinctly proved the fact, that if we could get the raw material of silk as cheap as we obtained it of cotton, there was no reason why our silk trade should not be as flourishing as our cotton trade. The immediate effect of the measure proposed by his majesty's ministers, of taking off the duty of 25 per cent on the raw material, would be to produce a great increase of the raw meterial into this country, and to give a great additional stimulus to the silk manufacture in England. The petitioners laboured under the most mistaken views of their real interests. The reduction of 25 per cent on the raw material would greatly increase the consumption of the manufacture; and he was persuaded, that, in six months from the passing of this measure, the value of the labour of every silk weaver in the kingdom would be increased 25 per cent. What were the petitioners afraid of? Did they fear being shut out from the home market? Why, the silk manufacture of this country was almost able to compete with the foreigner even at present. He himself knew that many articles manufactured in this country were carried down to the coast, and sold to those who were supposed to be the best judges of the commodity as French manufacture. If this were the case, the silk manufacturer would surely be able to compete with the foreigner, when he could afford to sell the article cheaper than at present by 25 per cent. He was satisfied that the opposition of the petitioners arose entirely from ignorance, and he trusted his majesty's ministers would persevere in a measure, which the very individuals who now opposed it would in a short time thank the government for having introduced, even against their present wishes.

Sir *J. Wrottesley* thought that theorists were apt to maintain too dogmatically the infallibility of their particular opinions. It was but fair, in his opinion, to give the petitioners credit for a little common sense, and for the capacity of understanding their own interests better than other people. What was the particular case of the silk manufacturers? A fortnight ago they stated that they were in a most flourishing condition; that their trade was never better; and that their workmen were all employed, contented and happy. What did they tell the House now? In the course of a few days, a number of manufacturers had given notice to their workmen; and it was expected that, in a short time, the whole population engaged in the silk trade, would be out of employment. No answer had been given to this statement on the other side of the House. Now, he wished distinctly to ask his majesty's ministers, how long this state of confusion was to last? Vast numbers of workmen depended for their bread entirely on the employment they obtained in this manufacture, and it was absolutely necessary that some distinct answer should be given, whether his majesty's government intended to persevere in this measure? In his opinion, it would be much for the benefit of the country, if his majesty's ministers were to give up this measure; and if they gave up that, he hoped they would also abandon all the others. He was aware it was a great deal to ask; but it was not too much, when it was considered that all the parties interested in these new commercial regulations were dissatisfied with them. He strongly recommended the right hon. gentleman, instead of persisting in these measures, to gratify the country, by the repeal of the window tax, which he might effect by retaining the duties on coals, and by abandoning that part of his plan which appropriated 800,000*l.* to the decoration of Windsor Castle, and the building of new churches.

Mr. *J. Smith* could not conceive how the silk manufacturer could possibly be injured by a measure which would enable him to procure the raw material a great deal cheaper. An additional tax on the raw material had often been the subject of complaint, but it was quite novel to find the manufacturer coming forward to say to the legislature, you will ruin us by remitting the tax on the raw material. The effect of the measure would undoubtedly be to increase consumption, and give additional employment to the artizans engaged in this manufacture. He thanked his majesty's ministers for the liberality with which they had brought forward these measures, and for the spirit and energy they had displayed in supporting them.

The *Chancellor of the Exchequer* said:—The proposition which I had the honour to submit to the House, has been so ably supported by my right hon. friends, and has also received such powerful and disinterested support from so many hon. gentlemen opposite, that it would be a waste of time, if I were to attempt to weaken their arguments by any observations of my own, even if my strength would allow me at the present moment to go through any protracted discussion. My only reason for rising is, that I may answer the questions which have been put by the hon. member for Coventry, and by the hon. baronet opposite, as to the course which it is my intention to pursue. I am as sensible as the hon. baronet can be of the extreme inconvenience which would necessarily arise in matters of this kind, from protracted delay, or from any uncertainty as to the views upon which the government intends to act. Undoubtedly, if I had acted solely on my own impressions, and on my own conviction of the expediency of this measure, I should have been ready to proceed to a distinct statement of its details at an earlier period, but I have deferred that statement, because I had reason to believe that the parties interested in this measure wished to have some previous conversation with me on the subject. I have been engaged during the greater part of this day in receiving such communications, and I understand that there are still some persons who wish to communicate with me before any definitive steps are taken. It is my intention, on Monday next, in the committee on the Customs acts, distinctly to explain to the House the full extent of the measure which I shall propose, in conformity with the principles which I have already stated to the House.

Mr. Alderman *Bridges* expressed his conviction, that 50 per cent on many articles would not sufficiently protect the English against the French manufacturer. No less than 600,000 persons were engaged in the silk trade, and he was quite sure that his majesty's ministers would not adopt a measure which was calculated to involve so large a body in misery and distress.

Mr. *Curteis* spoke against the repeal of the duties on silk, and said he could tell the right hon. gentleman of a way by which he could set himself right with the country. If he would only say a word to them about the repeal of the tax on leather, malt, and hops, he would receive a much more gratifying approval from the people at large, than all the plaudits of his own bench or of that side of the House could afford him.

Mr. *Mundy* said, that the proposal of

the right hon. gentleman had created alarm in the counties of Chester and Stafford, as well as in that of Derby.

Mr. *Haldimand* trusted that his majesty's ministers would persevere in a measure, of the beneficial effects of which there could not be the slightest doubt. Nothing could be more certain than that every protection and bounty was detrimental to trade. If a trade could not support itself without that artificial support which was erroneously called protection, it was not, in point of fact, worth carrying on at all. His chief object in rising was to observe, that the chancellor of the Exchequer would not fully discharge the duty which he owed to the silk manufacture of the country, if he did not also consent to the repeal of the measures commonly called the Spitalfields acts. It was quite impossible that the benefits of free trade could be produced, unless the principle of free labour were also established. The effect of these acts was, to make some articles 100 per cent. dearer in London than in other parts of the country. It often happened, upon the spur of the moment, that it was better worth while even to pay that additional charge than to send to Coventry; but he asked whether, as applied to foreign trade, it was possible under such restrictions, that the manufacturer could compete with other markets? There was another topic which he would take that opportunity of mentioning. We were told we had a free silk trade with India. This he denied. It could not be called a free trade, so long as the East India Company could limit the number of individuals who were permitted to go out to India. [hear, hear.] An instance of the injustice of this practice had lately fallen within his own knowledge. A person was educated in a silk warehouse in this country, for the purpose of going afterwards to India to engage in that trade. It was well known that the number of persons acquainted with the value and nature of silk in India was extremely limited, and that coarse and fine descriptions of that article were sold at the same price. An application was made to the East India Company to allow the person he had alluded to, to be sent out to a private house in India, carrying on trade there, and the application had been refused. He did not complain of this, because their act justified the Company in their refusal; but it proved that they did exercise such a control. An application might indeed have been made to the Board of Control, but he was told that if he presented a petition to that board, there was not the least chance of its being listened to. This limitation of the number of persons who were permitted to go out to India, was utterly inconsistent with the principles of free trade. Before he sat down, he would take the liberty of asking the right hon. gentleman opposite, why he proposed to raise a duty of *3d.* on Bengal raw silk, and 6d. on Italian raw silk? He did not see why Italian silk should not be placed on the same footing as that of our own colonies or dependencies. This part of the proposed measure was inconsistent with the principle of the bill, and he trusted the right hon. gentleman would not suffer it to remain in the first act of parliament founded on the principles of free trade.

Mr. *Portman* observed, that no county in the kingdom was more disappointed, and dissatisfied with the financial statement of the right hon. gentleman opposite, than the county which he had the honour to represent. He should feel it his duty to oppose the measure proposed by the right hon. gentleman, not because he objected to the liberal policy on which it was founded, which every man must applaud, but because he did not conceive this to be the proper time for carrying that policy into effect. If he thought that his present opposition would throw any serious obstacle in the way of the ultimate success of the commercial policy adopted by the government, he should be inclined to vote for the measure; but feeling, as he did, that it might be carried, with greater benefit to the country, at a more convenient season, he should feel it his duty to oppose it.

Mr. *Wynn* said, he had given an attentive examination to every case in which an appeal had been made to the Board of Control from the refusal of the Court of Directors to allow an individual to proceed to India, and he had not the least recollection of anysuch case as that mentioned by the hon. member. There had been many cases in which the Board of Control had given permission after the Court of Directors had refused it. He thought it very unlikely, from what he had seen of the conduct of the Court of Directors, that if any person shewed a probability of his having full employment in India in trade or commerce, that the directors would refuse him permission to go out, and he was quite sure that in no such case had any refusal been confirmed by the Board of Control.

Mr. *Haldimand*, in explanation, said, that the application was made to the directors for leave to the gentleman in question to go out as a clerk to the house of Palmer and Sons, one of the first houses in Calcutta, and he might say in the world. The application was made generally for permission to go out as a clerk to Palmer and Sons, and leave was refused, on the ground that there were a sufficient number of young men unemployed in Calcutta. He did not apply indeed to the Board of Control, as he was advised that such an application would not to be attended to, as many applications of exactly the same kind had been refused.

Mr. *Wynn* said, it appeared that the individual had applied to go out simply as a clerk, and in refusing him permission the Court of Directors had acted with perfect propriety, and the Board of Control would have confirmed their refusal. It was certainly unjust, while the natives and half castes were excluded by law from all offices under the Company, that an influx of Europeans should also exclude them from the clerkships which they might fill. He spoke of the system as it stood; and during the term of the Company's charter it could not be altered: A person who went out a clerk, might, the day after his arrival, be thrown out of employment and become a mere adventurer.

Sir *T. Lethbridge* hoped, that after what had passed that night, the chancellor of the Exchequer, when the question concerning the change in the silk and woollen trade was again brought forward, would come to the House with an altered tone. It had been said that night, that no trade was worth supporting that would not support itself. He should wish to know what our great staple manufactures would have done, if they had been left to support themselves? The woollen, the cotton, and the other great staple the silk, which was now doing very well, and which would continue to do well, so long as it was protected from that free trade on which the ministers and the House were running wild. He said "running wild" because he was convinced that its principles never could be carried into operation. Neither corn, nor wool, nor cotton, nor silk, would bear a free trade. The activity of the country had grown up under a different system. He would ask the hon. member for Taunton whether he could carry on his great financial operations under a system of free trade; or whether, when he went to his counting-house, or his banks, or when he reflected in his own library, he found a free trade attended with any thing other than great inconvenience? Though the memory of the late member for Portarlington would be long cherished, and most sincerely by those who knew him best, he was convinced, that the doctrines which Mr. Ricardo had advocated with so insinuating an eloquence, were doing much mischief, by leading the House from the practical views of commercial questions. In the writings of that gentleman, there were to be found contradictions on contradictions; and, however charming his theories were to political economists, they were diametrically opposed to practical results. An attempt was now made to put in practice those principles, and what did they hear from the hon. member who represented the silk interest—"I have no objection to your taking off the tax on the raw material, but if you meddle with the prohibition we are ruined." He had had occasion to speak in nearly the same manner on the corn trade. The advocates of free trade never adverted to the enormous debt and the great burthen of taxation in this country. There was the whole of the expense of the poor, of the roads, of the administration of justice and the church, which fell on the growers of corn. The late Mr. Ricardo had said, that he would allow them a protecting duty for this; but the difference was, what the duty should be. Mr. Ricardo had talked of 12*s.* per quarter; he (sir T. L.) had wished for 33*s.* per quarter. The chancellor of the Exchequer now proposed to give the silk trade a protection to the amount of 30 per cent, but the hon. members connected with the trade said that 40 or 50 per cent was not enough. His opinion was decidedly against the alteration of the laws respecting silk, and against the repeal of the duty on wool imported at any rate, unless the exportation of wool were allowed. He should be very willing to see the corn laws revised; for he thought the prices now likely to rise too high. It would be bad for all parties that they should rise higher than they were at that moment. "Live and let live" was the principle he wished to see carried into effect. He thought the chancellor of the Exchequer would have acted more wisely, if he had gone on this year, to repeal some of the assessed taxes. Indeed, the whole might have been got rid of. He would then have avoided these petitions from the manufacturers.

Mr. *Evans* said, that large bodies of men might misunderstand their own interests. Of which they had had a striking example, in the representations against the repeal of the Union duties on goods carried from England to Ireland, or *vice versâ*. As to the repeal of the taxes which impeded commerce, he thought the result would be more beneficial to the country than the remission of an equal quantity of direct taxes; for if it gave a new activity to manufactures and commerce, a corresponding demand would be created for agricultural productions, and the whole community would be benefitted.

Mr. *Baring* begged to say a few words in reply to some of the observations that had been made on the subject in debate. There was a great difference, he observed, between the abolition of restrictions on the intercourse between the islands of Great Britain and Ireland, and a change of the relations in which these islands stood with regard to foreign countries. There could be no doubt that restrictions on the intercourse between different parts of the same empire, must be injurious to the mass of the people, and particularly in the case of Ireland. The low rate of wages there, and its great population might, now the restrictions were removed, lead to the introduction of manufactures to the great benefit of that island. It had been said that it was an abandonment of principle on his part, after having so long advocated free trade, to come forward now with this petition for an exception. In advocating free trade, however, he had never gone further than a free trade in the raw material, and a free transit of all goods, so that England might have facilities for enjoying the carrying trade of the world; but he had never gone so far as to hold out that, without any reciprocity of concession, we should open our ports to the introduction of continental manufactures. The argument of the abstract political economists was, that we should get every commodity wherever we could get it cheapest, and that if we could bring silk cheaper from Lyons than from Spitalfields, we ought to bring it thence. He never had been convinced by this argument, and never should be, and he was persuaded that if our ports were open, though in those articles in which we had an advantage we might retain that advantage, our rising manufactures would be crushed. The political economist turned his eye only to the facility of production; he allowed nothing for the habits of trade; for the established custom which had so much influence in these matters. There seemed no reason in the nature of things, why Manchester should be the great seat of the cotton trade, Sheffield of cutlery and hard-ware, Lyons of silks, Geneva of watches and trinkets, Nuremberg of toys. How it happened that they had become so, arose, perhaps, from the superior activity of individuals at critical times; but now they had attained their superiority, they were likely to preserve it. The political economist might imagine, that if the trade were free, Dover might become as great a manufactory for watches as Geneva, and Calais as famous for pottery as Staffordshire: but, for himself he anticipated no such results. He knew not why it was that English gentlemen got their watches of M. Breguet at Paris, when they might get them as good at home; but the force of imitation would prevail. After looking carefully into the subject, with every disposition to come to a different result, he was persuaded that if the trade were thrown open, Manchester might supply cottons, Staffordshire pottery, but Lyons would send silks. He had always been of opinion, that if France remained at peace, and continued to enjoy what she never before had, the benefit of free institutions (and to all practical purposes, as to the application of capital, France was now as free as this country), the cheapness of provisions, and consequently of labour, must give her an advantage over this country. An hon. member had that night attributed to his late friend, Mr. Ricardo, an opinion which he had never heard that lamented individual maintain; namely, that the price of provisions had nothing to do with the price of labour; but, if his hon. friend had maintained such an opinion, he could only say that it was a proof how far into absurdity the acutest minds may be carried by abstract speculations. It had been asked, why the price of labour should not have the same effect upon the cotton as on the silk manufactures? One reason was, that cotton, from the first operation in its manufacture, went through machinery, while silk was thrown off by hand, and from the nature of it could not, throughout, be so much worked by machinery as cotton. It was said by the chancellor of the Exchequer, that we already sold a great deal of silk goods in Germany, in competition with the foreign silk manufacturer. He should be willing to rest the question upon the correctness of that fact. He believed the truth would be found to be, that there was no export of any sort, except that silk in which we had an advantage, India silk stockings, and mixtures of silk and cotton, and silk and worsted, but that, in no instance, had any pure manufacture, either of French or Italian silks, come into competition with those of Lyons. He had been as anxious to do justice to the disinterestedness of the chancellor of the Exchequer's financial plans as any one, and, above all, to their being devoid of any trick to catch at popularity. There could be no measures less popular, or more likely to be opposed; and in this case, in his conscience he believed the opposition to be just. It had been hinted, that he only spoke on this subject as the member for Taunton. He should certainly deem it his duty to afford every fair protection to the interests of his constituents; but, if they wished to dictate to his conscience, he should beg them to choose another representative.

Mr. *Davenport* contended against the alteration of the laws affecting the silk trade. The House was called on by the chancellor of the Exchequer, to give up 6, or 700,000*l.* a year of revenue derived from silk, and yet the silk trade did not want this remission. He was very well content to let the law and the duties remain as they stood. He feared much, that by grasping at the shadow, we might lose the substance—that we might lose the trade itself, as well as the revenue we now derived from it.

Ordered to lie on the table.

Exportation of Wool—Petition from Norwich against.] Mr. *W. Smith* said, that the petition which he held in his hand was so nearly similar in its statement of facts, and in the manner in which its prayer was supported, to that which the hon. member for Taunton had just introduced to the House, that he might, in presenting it, repeat the summary which the hon. member had given of that petition. But, after the large discussion which had taken place on the subject, he should only deem it necessary to state very briefly the prayer of it, in those points in which it differed from that which had been last presented. The petition, in point of form, was that of one highly respectable individual in the city which he represented, but, in point of fact it was the petition of all the manufacturers of the silk, woollen, and mixed trade in the city of Norwich. They first say, that they hear with great concern, that it is proposed to permit the exportation of the British long wool—an article not now to be obtained by foreign manufacturers, and which gives a superiority to many British goods. They pray that the House will not allow it to be exported, the rather because the agricultural interest have not prayed for it, and because it bears a fair remunerating price at home; so that the exportation cannot be required to relieve any glut or depression. The last part of their prayer stated, that while they expressed their gratification at the approach to those enlightened commercial principles which had led to so great a reduction of the duties on silk, they apprehended in the immediate application of those principles serious damage to their interests; but if the legislature gave adequate time for the consumption of the stock on hand, and for the improvement of the means of manufacturing which ingenuity might suggest, they hoped to be enabled successfully to meet foreign competition. This prayer appeared to him perfectly reasonable; they only wanted time and notice;—whereas by the suddenness of the change, great inconvenience would be experienced, and was indeed already felt; as no manufacturer would now set his men to work up silk which had paid the high duty, while he expected the silk at a low duty would soon come in.

Ordered to lie on the table.

South America.] Sir *James Mackintosh* said, that having carefully perused the papers which were last night laid upon the table of the House, he rose to put to the right hon. secretary for foreign affairs one or two questions upon subjects connected with them. The first of these questions would be, whether any answer had yet been received from the court of Madrid to the despatch from this government, dated the 30th of January? If such an answer had been received by his majesty's government, he presumed there could be no objection on their part to lay it before the House. His second question was, whether his majesty's government possessed the decree, or, if not the original, an authentic or accurate copy of the decree, said to have been made by Ferdinand 7th, professing to regulate the commerce of vast countries in South America which had long ceased to acknowledge his authority? If such a document was in the possession of ministers, he supposed there could be no objection to its production. He should also be desirous, that there should be laid before the House a copy of the treaty entered into between Great Britain and Spain in the year 1810; which treaty was referred to in the despatch of the 30th of January, as granting to British subjects a right of free trade with the subjects of Spain in the two hemispheres. Now, it was possible that that treaty might have been printed, or have been, in some shape or other, already laid before parliament. If so, he was not aware of the fact; but he presumed that the treaty alluded to could not be that which was made with admiral Apodaca; for that was made in 1809. If it had not been printed, he should either move that it be printed, or give notice of a motion for its production, according to the answer which he might receive to his questions.

Mr. Secretary *Canning* observed, that to the questions of his hon. and learned friend he would answer separately; but he would invert the order in which those questions had been put. And first, as to the supposed treaty between Spain and Great Britain. No such treaty was in existence to the best of his knowledge. In the year 1810, when this country proposed to interpose her mediation between Spain and her colonies in America, it was merely upon an understanding between the two governments, that the coast law of Spain should be suspended, as between the subjects of the two nations. No instrument, as far as he had ascertained, was in existence, in which this agreement was recorded. Any motion, therefore, by his hon. and learned friend, upon the subject of this supposed treaty would be unnecessary, for there would be nothing to produce. As to the second question propounded about the decree, he knew of that only as a matter of public notoriety; but he really could not say whether it had yet been communicated to his majesty's government in that authentic shape that would entitle it to be considered as a document in their possession. He rather thought it had not been so communicated, but that any knowledge of it which might be possessed by his majesty's government was derived from its having appeared in the ordinary way in public journals. If, however, such a decree had been communicated to them, they would undoubtedly not object to lay it before parliament. As to the third question, whether any answer had been received from Spain in reply to the despatch of the 30th of January, he had no objection to state all that it was in his power to state about the matter. He believed that an answer simply acknowledging the receipt of the despatch had been received by this government. In reply to the remaining part of what had been addressed to him that evening by his hon. and learned friend, he would merely say, that there were circumstances which would prevent his stating to the House at present any thing further as to the precise state in which this country now stood with respect to America. The despatch in question was not laid before parliament, while it was yet upon its way to Madrid, because, had it been laid on the table at an earlier period, it was obviously possible, that the court of Madrid might have read the important despatch in question in the public papers of this country before it reached them in its more authentic shape. It was upon this account he begged his hon. and learned friend to postpone his motion. The moment that an official answer should be received to that despatch, it should be laid before parliament. The scope of his hon. and learned friend's motion (for though it was not shaped in this manner, it clearly went to this extent) was, to induce his majesty's government to lay before parliament such documents and papers as might show to the House the principles upon which government had hitherto acted, and intended in future to act, in regard to South America. But he freely told his hon. and learned friend, that if the communications which ministers had already made on this subject had been such as to entitle them to the confidence of parliament, he should resist every attempt to extort further information, or to compel the production of further papers relative to these matters, under the present circumstances. If, on the contrary, the communications which government had made, had not entitled them to the confidence of parliament, his hon. and learned friend would be at liberty to take his own course upon this important affair.

Sir *J. Mackintosh* said, he had listened to every word that had fallen from the right hon. secretary; but, as at present advised, he saw nothing to induce him to alter his original intention of bringing the subject before the House.

GAOL ACT AMENDMENT BILL—TREAD-MILL.] On the order of the day for the second reading of this bill,

Mr. *Bennet* said, he would avail himself of that opportunity to make some observations on the conduct pursued, in many of the prisons, with respect to the punishment of hard labour, especially as connected with the Tread-mill. He began by alluding to the conduct of the magistrates of Northallerton, who had persevered in inflicting the punishment of hard labour previous to conviction. Finding that such a proceeding was contrary to law, they said that they would not compel prisoners to work in the mill, but they took care to exercise severities towards them, in the event of their refusing to work; and it was of little consequence to the individual, whether he was directly ordered to work, or on being half-starved for his refusal, was compelled to prefer labour to famine. The magistrates of Northallerton could compel persons to hard labour; for there were other modes besides that of the tread-mill. He should therefore feel it his duty to propose a clause, providing that no person before trial should be allowed to work at hard labour, even with his own consent, otherwise these amateur magistrates would be enabled to persist in their favourite speculation. He was a great friend to the principle of the tread-mill properly applied; but it was only as a punishment after conviction that he could feel himself justified in approving of it. Transportation, generally speaking, was rather a favour than a punishment to convicted offenders, and hard labour at the tread-mill might often be substituted with advantage. But, in order to make it a punishment of disgrace, it was necessary that they should prevent any one from volunteering to undertake it, as in that case the association would be interfered with, upon which its efficacy should mainly depend. There was another question connected with tread-mill discipline, to which he was anxious to call the attention of the right hon. secretary. He had himself seen many of the mills at work, and was surprised at the unequal distribution of the labour. It was not upon the magistrate, nor even upon the gaoler, but upon the miller, that the quantity of work required from each person depended; and, so imperfect was the arrangement in many instances, that the proportion of work done in summer, under all the inconveniences of heat, was often considerably greater than in winter. The House was, he thought, bound to do one of two things—either to take the subject into their own hands, by appointing a committee of inquiry, or to settle at once a maximum of labour beyond which magistrates should not be allowed to go. As this punishment was administered at present, persons found guilty of felony were sentenced to lighter labour in some places, than those who were found guilty of misdemeanors were in others. According to a calculation he had made, the labour of one person at the tread-mill in a summer's day, was equal to ninety-six ascents up the monument, and the labour of the same person on a winter's day was 38 times less. He had received a letter from Mr. Higgins, the gaoler of Lancaster, who had the reputation of being one of the most humane, and whom he knew to be one of the most intelligent persons in such a situation. The letter stated, that the maximum of labour ought not to exceed 12,000 feet, and it was known that at Brixton, the women sometimes did 13,000. According to a calculation which he had made, the work done at Lancaster was equal to 37 miles in a day. The calculation must be still greater where 17,000 feet were done; which was the case in one county. Whether the House would choose to appoint a committee, or to discuss his proposition at once, he would submit, that the maximum for men ought not to exceed 10,000 feet, and that for women ought not to exceed 8,000. He did not think it fit to leave the execution of the law to magistrates, or rather to millers, to enforce hard labour, or to require none at all, as he might choose to work the mills.—He next alluded to the state of the small prisons, which were generally in the most miserable state; there being in many of them no provision for religious instruction, little or no cloathing, and no beds but dirty straw for the prisoners to sleep on. In his opinion, the corporations of the towns in which these prisons were situated, if not able to keep their prisoners as they ought to be kept, should be compelled to send them to the county gaol, where they would be better taken care of. The first that he should mention was the borough gaol of Reading, to show what the condition of these prisons was. "The gaol," as the report states, "is situate in the middle of the market-place adjoining the Guildhall; it is composed of the first-floor of a public-house, of which it is an integral part, having no connexion by passages or stairs, however, with the rest of the house. It consists of three rooms; the largest is 17 feet by 13, with a fire-place, and two windows communicating with the street. The second room is 13 feet by 9, separated from the one just described by inch and half slabs, which are so warped and rent, and cut by the prisoners, that conversation is readily carried on from one room to the other. The third room is within the larger, 6 feet by 6 feet 4 inches, and lighted only by a borrowed light. All the rooms are eight feet four inches in height. There is no airing yard, nor separate day apartments. No labour is supplied—no rules affixed—no religious instruction appointed, nor any gaoler resident. When the sessions are held in the town, more than thirty persons have been confined in the space above described, when the gaoler is obliged to rely more upon his irons than upon his walls." According to a narrative, of the accuracy of which he had not the smallest doubt, 222 persons had passed through that prison in the course of the last year; there being within its walls no bedding but straw, no infirmary or sick room, no chapel, nor any provision for divine service. He would ask the House whether they would wish the gaol to continue in that state, or whether they would not compel the magistrates to send their prisoners to the gaol of the county? The next he should notice was that of Rochester, which had almost every fault that a prison could have. There was great want of room, no place for the sick; tried and untried criminals and debtors, all lived together as far as regarded the men, and these had the opportunity of constant communication, through an iron railing, with the women. No employment, no instruction, no religious service. The next he should allude to was that of Yarmouth. At the time that it was visited by the committee for the improvement of prison discipline, two poor boys were confined in the fourth cell, taken up as vagrants, and committed for one month for being found on the river at an unseasonable hour of the night. They were confined not only in a state of idleness but in darkness: their cell having no window. In another cell was a strong healthy man accustomed to husbandry work, who was sentenced to twelve months imprisonment. In consequence of the closeness of his confinement and entire want of exercise, he became so ill that for several weeks he was confined to his bed. About fifty prisoners passed through it in a year. No one could give more credit than he did to the secretary of state for his exertions; but he hoped the suggestions he had thrown out would cause some alterations to be made in the bill.—The hon. member then adverted to the number of maniacs who were confined in different prisons among the felons, one of whom, he said, had been shut up for 16 years. He thought it would be proper to make it compulsory on the government to find proper places for such maniacs as had been condemned to be shut up on account of having committed some crimes, separate from other prisoners. There ought to be an asylum apart for them. He was the zealous advocate for the infliction of some well graduated punishment, which would supply the place of capital punishment, and therefore when such a punishment had been found as promised to answer this purpose, he thought it was of some importance to endeavour to relieve it from the anomalies he had pointed out. He wished to pass no censure on individuals, whose zeal might have led them into errors; but he had shown, that in consequence of the zeal of some, and the want of attention in others, great anomalies did exist in the application of the labour of the tread-mill as a punishment; and it was necessary that these anomalies should be removed, or they could not expect to carry the public opinion with them in inflicting it; and without this, all punishments became nugatory, and were so much gratuitous pain.

Mr. Secretary *Peel* said, that as to the employment of prisoners, before trial, on the tread-mill, the objections of the hon. gentleman applied to employment of every description, as well as that of the tread-mill. In fact, this was the declared opinion of the legislature. In a bill passed last session there was a clause, which he thought was so clear that it could not be mistaken, by which it was expressly forbidden to put any prisoner to hard labour before he was sentenced to it. Contrary to his expectations, however, it had been misunderstood. One instance had occurred in which a prisoner, before trial, was put to hard labour; and it was thought no infringement of the act, because he had made his choice of going to hard labour in preference to being kept on bread and water, which was the alternative offered him. This was, no doubt, a breach of the act. He had thought it almost impossible to make a law more precise than the act of the 4th of Geo. 4th. cap. 64. The right hon. gentleman here read the clause which, in substance, stated, that no magistrates should be authorised to make prisoners go to hard work before trial, unless by their voluntary consent, when they were to receive a proper proportion of the money they earned by their labour. And, even with their own consent, this act did not authorise the magistrates to class such prisoners with convicted persons. He was surprised that the intention of this clause should have been doubted; but as it had been, there was now a necessity to provide some remedy. He felt, however, a great difficulty in doing this. He was as ready to admit, as the hon. gentleman, that the employment of the tread-mill before trial was a great grievance, and under the present act it was not lawful so to employ it. By the laws of this country, every man was presumed innocent until he had been tried; when accused of any offence he was not deprived of his liberty as a punishment, but to insure his presence on the day of trial. It was, in the first place, therefore, extremely unjust to send unconvicted prisoners to work at the tread-mill. But he objected to it also on the ground of its weakening the effect of that punishment. It took away the stigma that should belong to the punishment appropriated exclusively to guilt, by making it also the lot of the innocent. He saw nothing more that the House could do in this point, than to strengthen their former enactment if possible and make a law that under no circumstances should a prisoner be sent to hard labour before he was sentenced to it as a part of his punishment for the crime of which he was convicted. He came now to the second topic of the hon. gentleman's speech—the different degrees of labour, and consequently the inequality of the punishment inflicted by the tread-mill. The hon. member's remedy for this was, to pass a law, providing a maximum of labour which should not be exceeded. It was impossible to carry this suggestion of the hon. gentleman into effect. It might be true, as stated by the hon. gentleman, that the miller had the power to relax or augment the labour of the prisoners, that the mechanist had the power to regulate the labour; and, if it were true, it was then evident, that it would be very difficult to provide a remedy for the inequality of which the hon. member complained. In one mill he had stated that the prisoners took 16,000 steps, in another 10,000, and in another only 8,000 a day. But, did he therefore infer, that the labour was great in proportion to the number of steps? The degree of labour depended on the manner in which the miller fed the mill. It might therefore happen, that he who took only 8,000 steps, if working in a mill which was kept well supplied, performed more work than he who took 12,000, or 16,000 steps. There was one part of the hon. gentleman's calculations so extraordinary, and so obviously fallacious, that it was sufficient to shake the confidence which the House might be disposed to place in his other calculations. He had stated, that some of the prisoners, performed a task equal to that of walking 37 miles a-day. But he had at the same time stated, that the prisoners took about 12,000 steps a-day or about two miles and a quarter. The hon. member made it out, that these two miles and a quarter of perpendicular ascent were equal to thirty seven miles of walking on a plane; but, though he did not know on what data the hon. member had founded his calculations he differed entirely as to the result. In the first place, the motion in the tread-mill was not perpendicular ascent; for the wheel revolved under the feet of the prisoners, and met their steps. He denied that this labour was at all equal to dragging the weight of the body up a perpendicular ascent. If, indeed, the hon. gentleman had shewn that the labour of the tread-mill was injurious to health, it would have been a more convincing argument of its ill effects than all the statements of Dr. Good or any other writers. He was happy to hear from the hon. member that there were prison-fanciers; as he was sure that those magistrates who took a pride and pleasure in visiting prisons, conferred a benefit both on the country and on the prisoners. But, if there were prison-fanciers, there were also gentlemen who were very astute at finding out objections to the tread-mill. Amongst them was a friend of his own, a baronet, who had formerly a seat in that House, sir J. Coxe Hippisley, and who had devoted much time and attention in detecting the bad properties of the tread-mill. But it so happened that sir John was the inventor of the crank-wheel, which he wished to introduce into prisons. It was incumbent on those who were so ready to point out the disadvantage of the tread-mill to find some better mode of punishment. When he saw that eight or ten hours labour a-day at it produced ill health; he should implore the hon. gentlemen to diminish its effects by introducing a law affixing a maximum of punishment. Suppose this maximum was fixed at 10,000 steps; did he not think that this would not lead to monstrous abuses? To take the case of two persons, one weak, the other strong—was there to be no discretion here? Were they both to perform their 10,000 steps? Was it not better that the law should remain as it now stood; which left it to the discretion of the magistrates? If the maximum were in force, would not magistrates say to the gaoler, "You have the act of parliament to guide you, we will not interfere;" and would not the whole duty thus devolve on the gaoler? With respect to the smaller jurisdictions, he would admit that the bill of last year was incomplete, if by it he had intended to regulate them. But the bill applied exclusively to prisons which permitted the classification of prisoners. There was a clause which enabled magistrates having local jurisdiction to contract with the magistrates to send their prisoners to the county gaol; but the hon. gentleman would go further, and make it imperative on the magistrates to send all prisoners to the county gaol. Let him only look at some of the consequences. While there were small and local jurisdictions it was necessary that the gaol should be near the spots where those jurisdictions existed. The class of offences of which they took cognizance was not very heinous, but still they coupled imprisonment. If the hon. gentleman could persuade magistrates who possessed local jurisdiction to give it up, he (Mr. Peel) should be very glad to receive it; but while it remained, great inconvenience would be occasioned by separating the gaol from the seat of the magistracy. Suppose a man went to gaol for a month or a week, was he to be sent 20, 30, 40, or even 50 miles to the county gaol? Such a measure would be a gross aggravation of the punishment. Conceive a prisoner apprehended at one place where he was to be tried, and sent to another at a considerable distance to be kept till the day of trial, and then brought back. Here were two journeys; and journeys performed under the painful circumstances of being ironed and guarded. The situation of the prisoners was bad enough in these small prisons, and was deserving of consideration; but the remedy proposed was not what he would adopt. The evil might be remedied by improving the gaols, not by sending the prisoners to the county gaols. With respect to maniacs he wished the hon. gentleman could find out some other means of securing them. At present those lunatics who had been condemned on account of having committed some crime were necessarily kept confined. He could not appoint them separate attendants, and he had no other power, as the law stood, but to send them to prison.

Sir *T. Baring* said, he was not a very cordial friend to the tread-mill, since its effects were differerent on different persons. Suppose two men, one brought up to hard labour, and another to idleness, to have committed the same crime, and both to have been sentenced to the tread-mill, it was plain that the degree of punishment would be very different for each. The tread-mill at Winchester was one of the first established in the kingdom, and was, he believed, one of the best. He could say, that since it had been in use, the prisoners were more afflicted with colds and rheumatisms than before. He was of opinion, that the application of this punishment should be laid under restraints and restrictions. As a proof of this, the hon. baronet read an extract from the case of a woman of the name of Loder, and was requested by Mr. Sumner to read the whole, with which request the hon. baronet did not comply, but concluded with saying, that he thought there were sufficient reasons for making some law, preventing the unlimited application of the punishment of the tread-mill.

Mr. *H. Sumner* said, he was much surprised at the course pursued by the hon. baronet, who had taken a part of the report of the committee, and had founded his argument upon the particular case of Mrs. Loder. Now, he would read that case from beginning to end. It was thus set forth in the report;—"The woman Loder was committed by the petty sessions at Guildford (the rev. G. Walter Onslow, chairman), on the 11th October last, on a charge by the parish officers of Godalming, of having been delivered of a bastard child, and being then chargeable to the parish. It appeared that the said bastard was her third child, by three several fathers; and she was sentenced to the mitigated term of three months' confinement to work at the house of correction. She was put upon the wheel on the 13th of October, but on account of the feeble and emaciated state in which she appeared at that period, she was not upon the wheel again for the next fourteen or fifteen days of her imprisonment, nor till extra allowance of food for her, and 12 ounces of bread and an ounce of sugar *per diem* for the child, had insured the life of the child, and so far recruited the mother's strength, that, as being a preferable state to remaining all day alone in her ward, she desired to go to work with the other women on the wheel. Her hours of actual work upon the wheel were from half-past eight or nine to twelve in the morning, and from half-past one to four in the afternoon. Her periods of work never exceeded fifteen minutes, nor the remission ever less than ten. She was weighed on the 31st of October, after four or five days work, and then weighed eight stone two pounds, and again on the 13th December, and having worked through the whole of the interval was found to have gained nine pounds weight. On the 15th December she took cold, and was, by the surgeon's order, confined to her ward, and between that day and the day of her liberation, the 2nd of January, she lost two pounds and a half weight. She has declared she was better fed, and had more care taken of her, and was altogether more comfortable during her imprisonment, than she had ever been before; that she had gained health and strength during the time she was subject to work on the wheel; and on her leaving the prison, expressed much apprehension that she should not fare as well on her return home" [hear!]. Now that statement would clearly show the effects of the exercise. With respect to the other parts of the bill, his right hon. friend had anticipated all he had to say. His hon. friend (Mr. Bennet) was a member of a society for the improvement of prison discipline. One of its members, whom he had now in his eye (Mr. Buxton), had published a work upon the subject, and he confessed, that, up to the appearance of that work, he had given very little attention to this subject; but he thought he might now say, that no man had been more zealous than himself latterly to obtain liberal grants to ameliorate the condition of the prison which came within his inspection. But before they proceeded to legislate, perhaps it would be as well to wait, until they had a little more experience of the new light which, it seemed, had lately broken in on them. No man had had more experience on this subject than he had.

Mr. *Western* said, that with respect to the proposition of asking no prisoner to work, his opinion was, that as employment was better than perfect indolence, it would be ruinous to deprive the prisoners of the option of employment. An objection had been taken to the punishment of the tread-mill, because it was said to be degrading. Now he thought that all punishment should be accompanied with a feeling of degradation; because it was desirable to make delinquents feel the debasement to which their offences had reduced them.

Mr. *W. Courtenay* said, it was manifest that the regulations of this bill could not be applied to all gaols, and could only produce practical good in those gaols which were adapted for its application. He agreed with his hon. friend who spoke first, that the state of the inferior gaols imperiously pressed itself upon the attention of the House; and he looked at the clause now proposed to be introduced in the bill, as only one step towards the amelioration of our prisons. He thought the more prudent course would be, to adopt this measure in the first instance, and then look out for further information, with a view to an ulterior measure. There was this difficulty in making compulsory regulations, that all the inferior jurisdictions could send their prisoners to the county gaol; which would be attended with great expense. It was true, that if the legislature compelled the county gaol to receive prisoners from the small jurisdictions, it could also compel those small jurisdictions to contribute their share of the expense. If it could be arranged, that the trial of prisoners, as well as their commitment, should fall upon the general jurisdiction of the county, it would, in his mind, be a most happy regulation. With regard to the employment of prisoners before trial, it appeared to him, that the case stood thus: the bill of last session enacted, as clearly as possible, what the magistrates had to do; namely, to work convicted prisoners, but not to oblige prisoners committed for trial to labour without their own consent. These enabling enactments had not been found judicious, and now it was deemed necessary to introduce a disabling clause into the former act. The mode in which this was meant to be accomplished was, by drawing a clear distinction between those cases in which hard labour should be resorted to, and mere employment. The difficulty might be met by introducing words to this effect—"Provided always, that it shall not be lawful to employ prisoners before trial at any labour in which persons sentenced to hard labour had been engaged."

Mr. Alderman *Wood* expressed his surprise at the cheers which followed the statement of the hon. member for Surry, respecting the case of Mrs. Loder. This poor woman had been worked constantly on the tread-mill for hours together; and, what was her crime? Why, simply, that she had three children by three fresh men. Now he found that in the country the gaols were filled in consequence of offences against the game laws, or cases of bastardy. But in London they had little experience of either class. He could not agree, that a distinction was to be drawn between the hard labourer and a clerk, who perhaps might be committed to prison. He thought that the tread-mill and all other punishments should be distributed alike, without reference to persons. He would put a case, which many members must have heard of, he meant that of a man, who holding a situation of 3,000*l.* a year, had forged bills to an enormous amount, and was now actually walking the streets of London. Why, if that man had been consigned to the tread-mill for life, it would scarcely be more than he deserved; and yet he himself had seen that man in Paris, and he was now to be met with in the streets of London. With respect to women he thought they should not be subjected to the tread-mill. Flogging had been done away with in their case, and the wheel should also. He hoped no magistrate would hereafter sentence women to the tread-mill.

The bill was read a second time.

MUTINY BILL.] On the order of the day for the second reading of this bill,

Mr. *Hume* said, he wished to take that opportunity of stating some of the objections which he felt to the present military system, as it was upheld in this country. The instance of his hon. and gallant friend (sir R. Wilson) was sufficient to point the attention of the House to the impolicy and injustice of the system. His hon. and gallant friend had given an explanation of his conduct, which was quite unanswerable, upon which the noble lord (Palmerston) had exercised more wit than judgment. But he mentioned that case at present, to show with what jealousy the House should view the subject. He was willing to concede, that there was a time in the history of this country—he meant in the reign of Charles the 2nd—when the king, possessed of absolute power, could do with the army as he pleased. With the Revolution however, a new æra arrived. In the preamble of a bill passed at that period, it was stated, that, as it was necessary to maintain a standing army, it was of importance that the regulations of that army should be considered. But, the question to which he was principally anxious to direct the attention of the House was, the system of flogging in the army; and he was sorry he did not now see in the House many of those who had formerly distinguished themselves in their opposition to this practice. He never could consent to grant the power of inflicting corporal punishment on 73,000 of our fellow-subjects. Now that we were at peace, this would be the time to remove it. If in other countries they found, that a discipline just as strict as that which was maintained in England, was observed, without the infliction of a single stroke, he should like to know what there was in Englishmen that called for more severity towards them. It was a national disgrace to have our fellow-citizens subjected to the lash, as they were, from time to time. The circumstance which had principally called his attention to this subject, was a circular issued by lord Bathurst, doing away with flogging in the colonies. Now, he could not suppose that the government, if they were sincere, could feel disposed to deal out less justice to their subjects at home, than to their slaves in the colonies. He understood that, by that circular, it was meant that domestic flogging should be done away with; at least that it should never be exercised, until a day after the offence to be punished had been committed; and he thought it would be a most beneficial regulation, if it were introduced into the navy.—Was it to be borne then in this country? No. He must call it cant, or any thing else more opprobrious, to extend to distant colonies those principles of humanity, which were denied to our fellow subjects at home. The principle of this bill went to subject the British army to corporal punishment, that army upon which our security depended. The effect of this system was, to degrade the army, and destroy that free spirit which it should be our pride and our boast to support. When this bill should be in a committee, he would propose the addition of a clause, that no private or corporal should be subjected to corporal punishment. He was ready to allow, that the discipline of the army had been well kept up; but let the noble lord inquire, and he would find that on the continent, where there was no flogging, the discipline was not inferior.—He was sorry his hon. friend, the member for Westminster, was not present, as he was now going to allude to a subject to which his hon. friend had recently adverted; namely, the impropriety of maintaining barracks in the centre of the metropolis. In consequence of the statement of his hon. friend with respect to the barracks, he had gone to the neighbourhood to make some inquiries, and one individual had informed him, that frequently, at day-light in the morning, the neighbourhood was awakened by the beating of the drum; and that whenever in the morning he heard the sound, such was the dreadful association of ideas, that he always felt as if some unfortunate wretch was just at that moment led forth to the ignominious punishment of flogging. Surely, one operation of this detestable nature was sufficient to prove that there was not a due compassion for the feelings of those who were obliged to remain on the spot, and could not remove from scenes which thus harrowed up their feelings. He was most happy to find, that an endeavour was made to render slavery in our colonies as little oppressive as slavery under any circumstances could be; but, if we extended our humanity to those whose duty was involuntary, surely we should not in prudence, withhold it from those whose services were under their own control; and the more so when there were other adequate means of enforcing good discipline. He might be told, that there were circumstances where flogging was necessary; as, for instance, in the face of an enemy. He had been for five years connected with an army, not always certainly in the face of an enemy; but, out of 10,000 men, he did not recollect that one had ever been flogged. But amongst the native Indian regiments, it was carried to a most disgusting extent. Before they passed this bill, the House ought to have an account of the number of sufferers, and the aggregate quantity of lashes annually inflicted. But, independently of corporal punishments, there were regulations connected with our military system, which made it surprising that the bill before the House should so long have passed without objection. One which he would instance—was the arrangement as to the sale and purchase of commissions. Surely if there was one being more than another whose word ought to be undoubted, an officer of the army ought to stand in that situation; and yet there was a regulation existing at the present moment, which enforced the necessity of telling a falsehood upon almost every officer who came into the service. Every officer who purchased a commission, and every officer who parted with one, was compelled to declare, on his honour, that he neither took nor gave more than the regulation price; while it was notorious to the whole army, and must be notorious to the duke of York himself, that, in nine cases out of ten, more was paid than the parties declared to. Suppose an officer to be challenged in a jury-box with this declaration—what would become of his evidence—would credit be attached to it? He did hope that, for the future, no officer would be called on to give any such assurance. If any man in that House was friendly to flogging, let him speak out. If, on the other hand, they objected to have the backs of Englishmen lacerated with stripes, and could not bear that Englishmen should be made involuntary spectators of such disgusting scenes, they would vote with him. They should not bestow all their humanity on the slaves in the colonies: they should at least try what could be done in the British army, without inflicting corporal punishment. If the discipline of one regiment in our service could be carried on without the degradation of corporal punishment, why might it not be maintained throughout the whole army? Such a desirable alteration would, independent of its humanity, raise the national character in the estimation of foreigners; for nothing struck the inhabitants of other nations with so much surprise as the practice of flogging in the British army. He had had frequent conversations with officers of foreign armies on the subject, and their astonishment and horror at the prevalence of such a debasing practice was universal. One of these officers, who had commanded a regiment in the French service, had assured him, that if he had been obliged to have recourse to such a punishment, and had permitted its infliction, he would have lost all moral influence over the men.—There existed another practice, which ought also to be regulated: he meant, the condemning soldiers to solitary imprisonment, by the sentence of regimental courts martial, and depriving them, during such time, of their pay. In one regiment, he understood there were fifty-three soldiers so confined. The House would hear with surprise (the noble secretary at war, would correct him if he had been misinformed), that the pay of the men thus forfeited by the decision of a regimental court martial, went into the pockets of the officers who passed the sentence upon them [a general cry of no, no!"]. Well! he might have been misinformed; but such he understood was the practice in the Guards [cries of no, no!]. Such, at least, was the information he had received, and he felt gratified that the imputation was unfounded. He felt so strongly the necessity of abolishing corporal punishment, that he should object to the Speaker leaving the chair, unless an instruction to that effect was directed by the House to be given to the committee.

Sir *H. Hardinge* said, he rose as a British officer, to give the most unqualified contradiction to the statement of the hon. member, that the soldiers of the regiments of Guards, were flogged so frequently, that the drums were beaten, during the time of the infliction to drown their cries, and prevent their being heard in the neighbourhood. What were the real facts? He had the honour to command the third battalion of the grenadier guards, and he could assure the House that during the first six months of the year, while that regiment were in the King's Mews, not a single soldier had been flogged, and, in the latter portion of the year only one man had been flogged, who never uttered a cry [hear, hear!]. He would not go into the general question; but, as an officer, he would state, that he considered the power of inflicting corporal punishment, under a judicious system, requisite to the maintenance of discipline in the British Army.

Mr. *Hume*, in explanation, observed, that the gallant officer had attributed to him language which he had not used. He had merely repeated what had been stated on a former night, that when the drums were beaten in the morning, the association of ideas in the minds of the people residing in the neighbourhood, led to the painful reflection that the soldiers might be summoned to witness the punishment of the lash.

Sir *Robert Wilson* observed, that whenever the subject of corporal punishment was brought before the House, he had always in the most unqualified manner, declared the practice to be degrading to the character of our soldiery, and unnecessary to the maintenance of its discipline. After the various discussions that had taken place on the subject, it was with surprise, he found, that the noble lord had done nothing to abolish such a practice, or at least to allow the law to become a dead letter. He knew well that he should be met with the old argument, that our army had displayed the highest character, and that its prowess was the admiration of the world. Why then continue so debasing a punishment? Was the constitution of the British army so base—was it formed of such worthless materials—that its courage could only be excited, and its conduct regulated, by the cat-o'nine-tails? In Germany flogging had been abolished. In Prussia—even in Prussia—the animal designated a soldier, for he could not call him a man, was no longer subjected to the lash. In France no such punishment was allowed. And yet we had heard very recently, high panegyrics on the conduct of the French army—panegyrics which he had heard with regret, because he felt that they were applied to an army employed in that most infamous aggression on an unoffending people, the invasion of Spain. Without the lash, however, the French officers were able to maintain discipline. Was it not, therefore, a stigma on the character of the English nation to assume, that while the nations that surrounded us abolished a degrading corporal punishment it was still considered essential to the British service [hear!]. He was ready to admit, that regulations to check extreme abuse in the infliction of such punishments had been introduced by his royal highness the Commander-in-chief—that so far the evil had been palliated; but while the law stood as it was at present, it was impossible for the duke of York to effect the good he might intend, as the officers commanding regiments would throw the responsibility on him. He (sir R.) did not thrust himself forward for the purpose of seeking out complaints: he disdained such officiousness; but the House would feel that cases of a flagrant description forced themselves on the public attention. Some years ago it had become his duty to bring before that House an instance of a most flagrant abuse of corporal punishment. The cruelty of the punishment, even those who maintained its necessity must admit. It was true that our civil code permitted whipping in certain cases. But the Old Bailey man was relieved from the infliction the moment blood was drawn; while the British soldier was subjected to the lash, until he had received the full number, even if it were a thousand, unless the surgeon declared that life was risked. The country was now at peace. The character of our army stood high. It was in our power to make it a profession of honour. Give to the British soldier that ennobling impulse, which never could be given while the punishment of the lash was suspended over him, and instead of having our army composed of men wholly reckless of character, we should attract to its ranks a high-spirited and well-conducted description of male population. He should support the proposition of his hon. friend.

Colonel *Wood* said, he would not surrender his feelings of regard for the British soldier, whether high or low, to any of the hon. gentlemen opposite. And he must say, that the hon. member for Aberdeen was bound, in duty to the army and to the country, to have ascertained the facts before he lightly hazarded such statements as he had made that night. He had talked of the efforts made by government to abolish the arbitrary infliction of the lash on unhappy negroes by slave drivers, and had expressed his surprise that such a punishment should be permitted in the British army. But, did there exist a single ground for such a comparison? Were our soldiers punished on the spur of the moment, or at the discretion or caprice of any individual? Did not the hon. member know, that no soldier could be punished without a court martial, upon evidence taken upon oath? If the abuses were such as he represented, would not the hon. baronet, the member for Westminster (sir F. Burdett), who first brought the subject of corporal punishment before the House, have been in his place to expose such abuses, and call for their redress? He was ready to admit that the discussions brought forward on this subject by that hon. baronet, followed up, as they had been, by the judicious checks of the Commander-in-chief, had been productive of great good. [Hear, hear!] He had had the honour to command a regiment of militia during the war, and with every desire to repress the practice of corporal punishment, he had found it necessary in order to maintain discipline. If it were abolished, he feared that the more severe punishment of death, must be the consequence. With respect to solitary confinement, he could assure the House, that the practice was under regulation by the Commander-in-chief. No soldier could now be sentenced for a longer period than six weeks. It was with regret that he found, by a clause in the mutiny bill of last year, that soldiers could be sent to the tread-mill. At least he would say, let them not be sent to the common gaols; for no soldier, after such connexion, could be improved in character. If solitary confinement was to be a punishment, let cells be provided in the barracks. He could not understand the motives that induced hon. members on the opposite side to indulge in such statements as had been made that night, unless it was, to enjoy the satisfaction of making a speech.

Mr. *John Smith* said, that, indifferent to the imputation which the gallant officer had made respecting the desire of his hon. friends near him to make speeches, he would confess to the House, that the present was a question on which he was anxious, as a member of parliament, to offer an opinion. Without alluding to the military part of the subject, he should say, that to contend for the necessity of corporal punishment was to degrade the national character. In originating discussion on this important topic, and attracting the feelings and consideration of the country to it, no man had performed a greater service, not alone to the country, but to humanity in general, than his hon. friend now absent, who had so long and so ably represented the city of Westminster (sir F. Burdett), [hear !]. Coinciding in his views, as long as he was a member of parliament, so long would he urge the gross impropriety, the positive inefficacy, of punishing mankind on the body for the commission of offences. The whole history of human conduct teemed with proofs that such punishments were not only cruel, and inefficacious, but that they aggravated the very evils they were intended to remedy. When executed openly, their only effect was to harden the human heart, and to enlist the sympathies of the spectator in favour of the victim. From such exhibitions the sufferer and the witnesses too often went away with feelings of detestation of the laws, and of hatred towards those who executed them. Punish the soldier for the offence of drunkenness, with the lash, and was it possible to expect that the torture and the recollection of it would make a better man of him? Let hon. members consult their own hearts, and they would there find the best answer to the question. He had seen proofs of the effect of a more congenial system. He had witnessed what the mild, the humane conduct of that beneficent lady, Mrs. Fry, had effected, in the prison of Newgate amongst the female criminals. He had seen two hundred of these unhappy creatures in that prison, subjected to an allowance of one pound of bread per day for their subsistence. He did not know whether any members of the corporation of London were in their places, but he repeated the fact and defied the refutation. Before Mrs. Fry commenced her exertions, these women resembled so many tigers confined in a cage. She, however, by kindness, by admonition, by persuasion, had soon effected a reform. They became contrite, satisfied, and, as compared with their former deportment, happy. It was idle to say that severity would succeed, and kindness fail, in correcting the offences of human nature. All history established the contrary principle, every religious feeling and precept contradicted it; and while he had a seat in that House, he would raise his voice in reprobation of such an assumption.

Mr. *Monck* observed, that the very admission of the gallant officer, that the practice of flogging had been checked, and the discipline of the army improved, shewed that it was not necessary to the maintenance of discipline. In the first constituted army of Europe it was not allowed. In one of the first regiments in our service, the Blues, it never took place. Were not these unanswerable proofs, that the sure support of discipline was to possess a moral hold over a soldiery? Dismission from the French army was, a punishment: dismission from the Blues in our service was also dreaded by the men of that regiment, because it blasted their prospects, and deprived them of any participation in the regimental promotion, or superannuated fund, to which they were taught to look forward. Whereas, in all other regiments, dismission from the service was regarded as a gratification. He most cordially joined in the opinion of the crueltyand the inefficacy of continuing such a degrading system.

The House having resolved itself into a Committee,

Lord *Palmerston* said, he should shortly reply to certain observations and statements which had fallen from hon. gentlemen opposite. The right of the Crown to dismiss officers without the intervention of a court martial, had been so often argued, that he should only say, that the necessity for continuing that old and salutary prerogative was sanctioned by the avowed decision of parliament. He denied that there existed the remotest similarity between the capricious punishments inflicted by a slave owner, and the regular and judicial infliction of corporal punishment by the sentence of a court martial. Nothing could be more unfounded than the statement, that the pay of confined soldiers went into the pockets of the officers of the regiments [Mr. Hume said, in the Guards]. Not in the Guards either. The forfeited pay went to the stock purse of the regiments. For the hospitals, and other contingent expenses. The inference drawn with respect to the military system of other countries, was neither conclusive in argument, nor correct in point of fact. If corporal punishment was not practised in the army of France, they were less tenacious of human life. If the French Government did not flog, they shot; and, would any man recommend a greater frequency of the punishment of death? Besides the constitution of the British army differed from all others. We were essentially a manufacturing country; and it was from that class of persons that our recruits were taken. The Russian army was principally composed of peasants, whose habits of life were, from the nature of their agricultural occupation, simple. In the Prussian army there were two classes. an offender in the first class was not flogged, but degraded to the second class. The offender in that class was, unless some change had recently taken place, subjected to corporal punishment; not a punishment awarded after a solemn trial, and upon evidence on oath, but at the discretion of an officer in any grade. The ensign could inflict 10, the lieutenant 20, the captain 30, the major 40, and the lieutenant-colonel 50 stripes. Was that the model which honourable members would substitute for the regulated system of trial, as existing in our army? What should we say to their system of secret imprisonment, where men were pent up, as it were, in a cage too low for them to stand upright, and that cage floored with sharp bars of wood having the edges turned upwards? Could imagination devise a more severe system of punishment? The greatest circumspection was employed in our service to guard against abuse, and under the sanction of the commander-in-chief, returns of regimental courts martial were now made to the Horse-guards as well as General Courts. Parliament had declared by statute that the command of the army was in the Crown. Any attempt to weaken the power so entrusted was not to be defended. He allowed that if an abuse were proved to exist, the House of Commons ought to interfere; but otherwise he was persuaded they would not take any step to alter the constitution of the country.

Mr. *W. Smith* protested against the principle advanced by the noble lord. A more monstrous proposition had never been made to the House; whose right of interference was so emphatically preserved, by the mode of providing for the maintenance of the navy and army. He was of opinion that military flogging was a blot upon the service, a stain upon the national character. He attributed the preservation of the custom to the love of power, and the reluctance to let it go, so inherent in human nature. The country was under the greatest obligations to the hon. baronet, the member for Westminster, by whom that subject had been originally brought under the consideration of parliament. He rejoiced to hear that a practice, which was so great a blot on the national character, had of late years so much decreased.

Mr. *Hume* moved a clause, that it should not be lawful to inflict corporal punishment by flogging, on any private soldier or non-commissioned officer.

On that clause the committee divided: Ayes, 24; Noes, 50; Majority 26.

List of the Minority.

Allan, J. H.
Bennet, hon. H. G.
Brougham, H.
Browne, Dom.
Buxton, T. F.
Evans, W.
Grattan, J.
Hutchinson, C. H.
Maberly, J.
Maberly, W. L.
Martin, J.
Monck, J. B.
Palmer, C.
Powlett, hon. J. F.
Ramsden, J. C.
Ramsbottom, J.
Rice, T. S.
Ridley, sir M. W.
Smith, John.
Smith, William.
Sykes, D.
Wells, J.
Wilson, sir R.

TELLER.

Hume, Joseph.

HOUSE OF LORDS.

Monday, March 8.

SOUTH AMERICA.] The Marquis of *Lansdown* said, he had, on Friday, intimated his intention of putting some questions to the noble earl opposite, on the subject of the papers which had been laid on the table, relating to South America; and though, from circumstances which had taken place elsewhere, some of the points on which he had wished for information might be considered as already answered, yet he still had three distinct questions on which he was desirous of obtaining explanation from the noble earl. The first question arose out of that part of the memorandum of the conference which took place between the Prince de Polignac and Mr. Canning in the month of October last, which related to the trade of this country with South America. It was stated, that permission to trade with the Spanish colonies had been conceded to Great Britain in the year 1810. Now, he certainly did not recollect to have seen any treaty to that effect, or any document containing a stipulation or concession of the kind described. He would therefore be glad to know, whether any such stipulation or concession existed, and where it was to be found. His second question related to the last despatch of Mr. Canning, dated Jan. 30, which contained an offer of mediation between Spain and her colonies, made on the part of this country. He thought that sufficient time had elapsed for receiving an answer to this despatch, which answer would, doubtless, enable his majesty's ministers to come to a final determination on the measures they were to adopt. He therefore wished to be informed, whether any answer had been received to this despatch. His third question was, perhaps, still more important. In the same despatch of Mr. Canning it was stated, that a communication of the sentiments of his majesty's government on the subject of South America had been made to each of the powers now invited to a conference at Paris. The communication thus made to Russia, Austria, Prussia, and France, it appeared, was in substance similar to what was stated in the despatch, and the conference with prince Polignac. He wished to ask the noble earl, whether his majesty's government were in possession of any answer to this communication from the powers to which it had been made.

The Earl of *Liverpool* said, he wished to give the noble marquis every satisfaction in his power to give, in the state in which the question stood. With respect to the first question, there doubtless never had been any distinct stipulation or concession by treaty, of permission to the merchants of this country to trade to South America; but, undoubtedly, ever since the year 1809, when the first separation of the Spanish colonies from the mother country took place, their lordships must be aware that a trade had *de facto* existed. In all the conferences which had taken place with the different governments of Spain, from the commencement of the separation of the colonies, before and after the restoration of Ferdinand, there never had been any question made as to the assent of the Spanish government to this commerce. Under these circumstances, he could state that, notwithstanding the various changes which had taken place in the government of Spain, there had always existed a complete understanding of the existence of a free commercial intercourse between the subjects of this country and the provinces of South America; but as to any express treaty or stipulation to that effect, there certainly was none. As to the second question of the noble marquis, namely, whether any answer had been received to the despatch of Mr. Canning, he had to reply in the negative. There certainly had been no answer returned as yet. His majesty's ministers had been merely informed of the receipt of the despatch, and of its communication to the Spanish government, but no official answer had been received from Madrid. With regard to the third question of the noble marquis as to the communication of the course adopted with respect to South America by his majesty's government to the other powers which had been mentioned, he had to state, that that course, as described in the conference, and also the despatch, had been communicated, but that no answer had hitherto been received in pursuance of such communication. He wished now to say one word on the general subject. The papers now in the possession of their lordships were communicated for the purpose of making known to parliament what was the actual position in which the country stood as to the question of the Spanish colonies. These papers sufficiently explained what course his majesty's government had held on this important question, what had already been done, and by what principles they had hitherto been guided, and would be guided in future. Under these circumstances, he conceived that his majesty's government were entitled to the confidence of parliament, and he had no hesitation in saying, that he would resist any proposition which implied the contrary. If the noble marquis should be of a different opinion, it would be competent for him to bring forward the motion of which he had given notice, and in that case he should be prepared to justify the course pursued on this question by his majesty's government.

The Marquis of *Lansdown* said, he understood, from what the noble earl had stated, that no answer had been received by his majesty's government to the communication made by them to the continental powers on the subject of South America;

he wished also to be informed, whether any communication had been made to ministers of the answers returned by the governments of France, Russia, Austria, and Prussia, to the invitation of the Spanish government to a conference at Paris.

The Earl of *Liverpool* said, that no communication of the answers of those powers had been received by his majesty's government.

Lord *Holland* wished to know whether the powers alluded to had made no communication of their intentions.

The Earl of *Liverpool* replied, that not the slightest intimation had been received. He would not say that conversations had not taken place with some of their ministers, but no official communication had been received from any of them.

Lord *Holland* considered the answer given by the noble earl perfectly satisfactory. It was just what he expected from him.

The Marquis of *Lansdown* said, he was also to understand, that no answer whatever had been received to Mr. Canning's despatch.

The Earl of *Liverpool* said, that that despatch had been communicated by sir W. A'Court to the Spanish minister, to be laid before the king at Madrid; but no answer, further than he had stated, had yet reached this country.

Earl *Grosvenor* referred to the passage in the conference between Mr. Canning and prince Polignac, in which it is stated, that Great Britain " would consider any foreign interference by force or by menace, in the dispute between Spain and the colonies, as a motive for recognizing the latter without delay." Now, this language was stronger than that contained in the letter of Mr. Canning. He wished to know, whether ministers adhered to the intention of making any foreign menace a motive for recognizing the South American States?

The Earl of *Liverpool* saw no difference in sense between the two papers. With respect to the word " menace," its meaning was vague, and depended upon the purport given to it by the person who used it. He should understand by it, as it appeared in the papers, any threat accompanied by an overt act, which implied an intention of carrying such a threat into execution. He would not, however, say any thing further at present on a subject which would so shortly be again brought before their lordships.

HOUSE OF COMMONS.

Monday, March 8.

SILKS—PETITIONS AGAINST IMPORTATION OF MANUFACTURED.] Numerous petitions were presented from various places against the importation of Manufactured Silks. Mr. Mundy having presented a petition from Derby,

Lord *George Cavendish* supported the prayer of it. The proposition of an immediate change in these laws had, he said, caused a great stagnation in the trade. The petitioners did not express themselves wholly opposed to the repeal of the prohibitory system, but they prayed that a sufficient time should be allowed before such a material alteration was brought into effect.

Mr. *Maberly* said, it was surprising to observe the anxiety which the intended alterations in the silk-laws had created out of doors; which anxiety was not only manifested by the petitions presented, but by the crowding of the London tradesmen and weavers about the passages of the House. The hon. gentlemen on his side of the House had been constant in their calls on the government for a reduction of the duties on raw produce, the removal of which was likely to lead to a large additional trade in the respective manufactures. But the very moment ministers were about to take the necessary steps to extend foreign commerce and internal consumption, that first step in the progress of a long-called-for and beneficial system was met with every species of opposition. It was exclaimed, " Do not repeal the prohibitory laws." Now, as to the legitimate operation of those laws, it was null and void. The smuggler at present possessed the disposition of these laws, and for an insurance of 20 per cent would introduce those very foreign articles. The proposition of the chancellor of the Exchequer was a most politic one; and he trusted the enlightened and unprejudiced portion of that House would give him their support.

Mr. *Huskisson* observed, that before the discussion went further, it might be convenient that he should put the House in possession of the intended course of proceeding that night. As his right hon. friend, the chancellor of the Exchequer, would not be in his place, in consequence of indisposition, the duty would devolve on him of submitting the views of government, on the two great questions which stood for discussion. As the annual duties on sugar would expire on the 24th of the present month, the House would perceive, that in regard to the public service, that subject should take the precedence. Afterwards, it would be his duty to propose in a committee on the silk-laws, the resolution which his right hon. friend had intended to submit, as containing the final determination of government. The anxiety and suspense attendant upon that great subject at present would be a sufficient excuse for him with the House in pressing it forward in the absence of his right hon. friend.

Mr. Alderman *Heygate* presented a petition from the silk-manufacturers of Sudbury, against the proposed measure. He begged to call the attention of the House to the situation of this borough. After suffering in the greatest degree from the decay of the woollen trade, it had revived by the introduction of the silk manufacture. The poor-rates had decreased to one-fourth of their former amount: the population was employed, and contented. In this situation, it was natural that they should look with alarm to any change in the existing laws. They were confident they could not compete with foreign countries, at so low a protecting duty. If smuggling could not be prevented now, when foreign silks were prohibited altogether, still less could it be prevented, when silks were admissible at a low duty. His constituents were no enemies to a free trade, but they were enemies to a partial legislation, which left the labourers of England under the operation of the corn laws, and yet exposed them to an open competition with foreign countries, where labour was free and untaxed.

Mr. *F. Buxton* said, that he held in his hand a petition, signed by no fewer than 23,000 journeymen silk-weavers of the metropolis, praying that the prohibition of the importation of foreign wrought Silks might not be removed. Understanding that the right hon. gentleman opposite wished the discussion of this subject to be postponed to a later period of the evening, he would not say any thing at present on the merits of the case. He must, however, beg the House to observe, that there was this difference between the present petition and those that had been before presented on the same subject; namely, that all the other petitions were from master silk-manufacturers, men possessed of large capital, who feared that the property which they had thus embarked would be impaired, if not destroyed, by the proposed measure. The present petition was from the journeymen silk-weavers; from men who earned their daily bread by their daily labour, and who felt confident (and he really apprehended not without grounds) that of that bread the proposed removal of the prohibition would deprive them. He mentioned this, because the argument which the chancellor of the Exchequer had urged with reference to the other class of petitioners was not applicable to this. The right hon. gentleman had said to the masters, "If you should suffer some little inconvenience in the first instance, that will be amply compensated to you by the ultimate prosperity of the trade." But this was an answer which could not be made to persons who lived from hand to mouth, and who could not, therefore, postpone advantages, or look to the future to atone for the absolute want of the present moment.

Ordered to lie on the table.

Sugar Duties.] The House having resolved itself into a Committee of ways and means,

Mr. *Huskisson* said, he had been given to understand that it was the intention of the hon. member for Aberdeen either to oppose the grant of the duties on sugar, or to propose an amendment on the vote. As, however, he himself had nothing to propose but that those duties should be continued in the usual manner, for the usual period, and at their present amount, he should reserve any observations he had to make on the subject until he had heard the objections of the hon. member. He then moved, that the several duties upon sugar granted in the last session of parliament be continued for the year ensuing.

Mr. *Hume* said, he was reluctant, after the liberal policy which his majesty's ministers had adopted, to offer any opposition to their measures; and, unless he felt convinced that the proposition he had now to submit to the committee would, in no material degree, affect the revenue of the country, he would have refrained from bringing it forward. As, however, it related to an article of general consumption, and as the reduction which he was about to recommend would, he be-on the price of this, which, though not a necessary, was one of the first luxuries of life. Looking, however, to what was a material point—the question of relief to the consumer—he would call the attention of the committee to the progressive increase of supply, compared with the increase of consumption. In the year 1814, the old colonies—he meant those which belonged to the Crown previous to 1792—produced an excess of supply amounting to 322,000 cwt., and the new colonies, at the same period, produced also an excess of 307,000 cwt. making together a total excess of 629,000 cwt. Since that period, the increase of consumption had amounted to 921,000 cwt., and this set off against the last mentioned amount would show that the increased consumption had more than kept pace with the increased supply. He had no reason to doubt, that if the consumption of sugar went on in the same increasing ratio which marked its present progress—and he saw no reason to expect otherwise—they would shortly arrive at that happy state of things, in which they would find the whole supply of the West Indies not exceeding the actual demand for the article in this kingdom. To show the vast increase in the consumption, they had only to look at what was its amount last year, with the foreign export of the article, and compare the total with the largest supply ever received from the West Indies in any given year. The greatest supply was 3,785,000 cwt.; the consumption last year 3,130,000 cwt., leaving a difference of between 655,000 cwt. for exportation. The export of sugar last year amounted to 137,000 cwt. more than on any former year. He found, in fact, from authentic documents, that the increased foreign and home consumption during the last year, exceeded the greatest annual supply that had ever arrived from the West Indies. In the year 1822, the average price had been only 32*s.* 10*d.*, while in the last year it had risen to 34*s.* 7*d.* per cwt. The increased consumption had occasioned the augmented price. Those who were best able to form calculations on such a subject were of opinion that it was not possible that the British West-India colonies should produce a larger supply than in the last year. In the older colonies, perhaps, the tendency was to a diminution; and in the new colonies, particularly in Demerara, which had recently mainly contributed to the depression by throwing a great quantity of sugar upon the market, as there was no possibility of importing new slaves, and as all the land capable of being employed in growing the sugar cane had been already so employed, there was every reason to suppose that the supply would rather be lessened in succeeding years. He apprehended; therefore, that he had already made out a sufficient case to shew that, as far as sugar and the tax upon it were concerned, it was not most urgent that the impost should be reduced. The consumption had advanced beyond all expectation; and he might here add, by way of illustration, and as a fact highly satisfactory, that this growing consumption could only be owing to the increased ease, comfort, and happiness of the great body of the community. If they had been in a state of distress and penury, they would hardly have been able to purchase the necessaries of life, much less an article of comparative luxury. It was of some interest to look at the progress of the consumption of sugar. In 1791, the whole consumption of sugar in Great Britain and Ireland was only 1,400,000 cwt., while in 1823 it was considerably more than doubled. In 1791, the duty was only 12*s.* 4*d.* per cwt. while at present it was 27*s.* per cwt.; so that the wealth and happiness of the people, and not the sum paid to the revenue, determined the quantity of sugar consumed. It was a fact, that no country in Europe, of three times the amount of the population of Great Britain, consumed as much sugar as was annually employed here. With regard to what had fallen from the hon. member for Taunton, that in order to give more immediate relief to the West-India colonies, the use of sugar, instead of barley should be allowed in the distilleries, all he could say was, that he should be glad in principle that the proposition should be adopted. He had no objection that it should be left to the distillers to determine from what wholesome article it best suited their interests to manufacture their spirits. It was to be recollected, however, that the distillery season, as it was called, would only last about six weeks or two months longer, and many difficulties of detail and arrangement would impede the alteration for the present: indeed, the whole season would have elapsed before the distillers could be prepared to work from sugar. At the present moment, when the ports of the kingdom were shut against foreign barley, it seemed hard to exclude from the distilleries that which was grown in our own country. If the price of barley were so to advance as to occasion that of foreign and of home growth to come into competition, there might be no objection to allowing the distiller to use either barley or sugar, as best suited his own purposes. He should be happy to concur in any plan to raise the demand, and thereby to raise the price of sugar above what it now produced. He hoped that he had said enough to shew that the difficulties of the planters were likely to be speedily relieved, by increased consumption, and by the operation of those natural causes which had recently so materially assisted the agricultural interest. The West Indies enjoyed the monopoly of the home market; and though the price of an article, now grown in all tropical climates, must of course be regulated, in a great degree, by its value abroad, still he was happy to say that the British market was the best in the world. He had heard, with much surprise, the remarks of the hon. member for Aberdeen on the subject of rum. Most assuredly the West-India body, who must be supposed to know their own interests quite as well as the hon. member, considered that the proposed diminution of the duty on rum would be of material advantage to them. When it was said, that the operation of the change would be to shut rum out of Ireland, it ought not to be forgotten, that the annual consumption of that article in Ireland did not exceed 40,000 gallons, and that the native spirit of the country would always command the market. The hon. member for Aberdeen had objected to the allowance for wastage, and had contended, that at least the advantages should not be given to rum only, as every other spirit was liable to it: but, the peculiar situation of the importer, and the general situation of the West Indies, warranted this exclusive advantage. The West-Indian distiller was obliged to send it over to this country, on account of the greater evaporation in a hot climate, and the wastage was a boon to him, in order to enable him without loss to bond his rum, and to wait for a better market. In considering this question, it ought never to be lost sight of, that every shilling of the sugar duty that was reduced was an annual loss of 150,000*l.* to the revenue.

Mr. *C. R. Ellis* said, that it might be expected that the West-India planters would receive favourably a proposition to reduce the duty, and increase the consumption, of one of their most important staple commodities, at a moment of unexampled colonial distress. Other considerations, however, would induce them to withhold their support. The chancellor of the Exchequer had already proposed a considerable reduction in the duty on rum. He had also consented to make considerable alterations in the mode of levying the duty: which the planters held even of more importance than the reduction of the duty itself. The question, therefore, was, not whether the suggestion of the hon. member for Aberdeen would be beneficial, but whether it would be so much more beneficial than the plan of the minister of finance, as to make it worth the while of the West-India interest to relinquish a certain for an uncertain advantage. For his own part, he had no hesitation in saying, that on a fair comparison, the balance preponderated on the side of the concessions made by the chancellor of the Exchequer. If asked, whether it would not be better to obtain relief in both ways, he should say, that if the aid to be afforded depended upon the measure of the distress, the West-India body had a strong claim indeed. But there were other parties who had a right to expect a remission of taxation and the point was not whether the planters had as much assistance as they needed, but whether they had obtained their share. If more than their share were granted, no doubt other classes would raise a strong opposition. Under all their visitations and sufferings of various kinds, no class had shewn less unreasonable impatience than the West-India body; they had, indeed, put forth their just claims, but they had never pressed them with needless pertinacity, or interfered to disappoint the fair expectations of other classes of the community. It would be to depart from this system, if they were now to demand a reduction of the duty upon sugar as well as upon rum; but, if any further measure could be devised to give them relief, not at the expense of other classes, they, of course, could feel no objection to its adoption. He did not mean to offer any opinion on the policy of the corn laws; but, if it should appear, on a full consideration of the subject, that the suggestion of the hon. member for Taunton could be adopted, with benefit to the growers of corn as well as to the growers of sugar, it would be a most important boon to the West-India colonies. He hoped that such a change would not be viewed with jealousy; he was aware that it might be attended with many difficulties; and he remembered that these difficulties, with regard to the collection of the revenue, were strongly urged before the West-India committee. He remembered also, how suddenly they vanished, when it was found that the government was disposed to adopt the alteration. If such a course should be found generally advantageous, he hoped that the chancellor of the Exchequer would not shrink from endeavouring to carry it into execution. Returning to the immediate question before the committee, it would be disingenuous if he did not admit, that the argument of the right hon. gentleman, derived from increased consumption, deserved considerable attention. That increased consumption had been attributed to the greater ease, wealth, and prosperity of the people; and it had been supposed, that ere long it would absorb the whole supply from the West Indies. Admitting the right hon. gentleman's premises to be correct, it was impossible to deny his conclusions, and he sincerely hoped that the relief to the West Indies might be found as speedy and as permanent as had been anticipated. If they should turn out to be so, it would doubtless be unreasonable to press the reduction of duty. He could not, however, avoid entertaining some doubt whether the rapid increase in the consumption had been produced by causes of certain and gradual operation. They might be temporary and accidental, and part, owing perhaps, last year, to the recent remission of taxes, which might not bo made to the same extent next year. He was nevertheless prepared to admit, that the right hon. gentleman had made out a good *prima facie* case, and had fairly enough contended, that the calculation for the approaching year ought to be formed on the trial of its predecessor. If it should turn out that the right hon. gentleman was not mistaken, even though the increased consumption was not in the same ratio, he would still have a right to call upon the West-India planters to wait for the operation of the natural causes of relief. If, however, it should turn out that he was mistaken, they would then have a strong claim upon the assistance of government. For these reasons he was content that the duties on sugar should remain as at present, and should therefore vote against the motion of the hon. member for Aberdeen.

Mr. *Ellice* said, he had entered the House well disposed to support the motion of his hon. friend. He apprehended, that the small remission of duty on rum would not introduce it into general use, and doubted, with the last speaker, whether the increased consumption of sugar was owing to permanent causes. The West-India interest was certainly entitled to such relief as the surplus revenue could afford; but he should be content that the present motion should be withdrawn, if the chancellor of the Exchequer would hold out any expectation that the subject of distillation from sugar should be taken into consideration by the government. If distillation from sugar were allowed when barley reached such a price as to allow of its importation, the landed interest would have no reason to complain of the boon to the West Indies. He did not ask nor expect any pledge on the part of ministers, but merely an assurance, that there existed such a disposition to aid the West-India body. He hoped that the right hon. gentleman would consent to lay the documents to which he had referred upon the table; for a part of the conclusion drawn from them he had not clearly understood. With regard to increased consumption from supposed increased prosperity, it ought to be recollected, that the price of provisions last year was excessively low, so that the poor were able to indulge in a few luxuries: whereas, next year, in consequence of the advance in the price of provisions, they might hardly be able to purchase the necessaries of life. In the present state of the West Indies, all the assistance that could be afforded should be granted to them.

Mr. *Calcraft* observed, that as he was more interested in the growth of barley than he was in the cultivation of sugar, his opinion in favour of allowing the distillation of sugar was at least disinterested. He did not see the slightest objection to allowing sugar to come into competition with barley, when barley could be imported; at present it was, he believed, within *5d.* per quarter of the importation price; but, in the peculiar state of the West-India interests, he had no objection to the immediate admission of sugar into the distilleries [hear, hear!]. If he understood the statement of the right hon.

gentleman (Mr. Huskisson) the demand for sugar in the three last years had exceeded the supply [No, no, from Mr. Huskisson and others]. The right hon. gentleman had not been very clear; and certainly he and his friends had so understood the right hon. gentleman. He had come down to the House with an inclination to support the remission of duty to the extent of 7*s.* per cwt.; but the reasoning of the right hon. gentleman on the subject of increased consumption had led him to a different conclusion. He wished to guard the interests of the consumer as well as of the grower; and the former, in his opinion, would receive little or no benefit from the proposed reduction. The increase in the consumption of sugar had certainly shewn that the duty, high as it was, did not press heavily upon the consumer. He hoped the hon. member for Aberdeen would withdraw his motion, under the pledge that ministers would take into consideration the suggestion of the hon. member for Taunton, for admitting the sugar into the distilleries, when barley approached to the import price.

Mr. *Huskisson* explained, that he had wished to state, that though in 1814, from the accession of the new colonies, there had been an increase of surplus supply, and though that supply had gone on increasing, the consumption had been increasing in so much more rapid a degree, that in a short time there would most probably be no surplus. With respect to the production of these accounts, he had stated nothing beyond what was to be found in the accounts before the House: he had only taken the pains to extract the accounts of the different years, to show that the consumption had been increasing more rapidly than the produce, so that if the production were, as in the distressed state of the West Indies it probably would be, checked, the demand would soon equal the consumption. As to the suggestion of the hon. member for Taunton, for admitting sugar into the distilleries when barley rose to a certain price, if there was a general feeling in the House and the country, that liberty should be given to the distillers to avail themselves of sugar under those circumstances, he would say for himself, that he saw no objection to the measure. He did not see, however, that there was any immediate relief to be expected to the West-India interest from this measure. Barley was admitted into our ports when the price was 40*s.*, and the average was for three months, and was to be taken in May. He would then ask, whether any relief could this year be expected from an admission of sugar into the distilleries, subsequent to, and contingent on, the taking of that average? He repeated, however, that he saw no objection to the proposition, though he would give no pledge. He had no doubt, also, that his right hon. friend, the chancellor of the Exchequer, would give the proposal his best consideration.

Mr. *Benett*, of Wilts, said, he saw no objection to the admission of sugar into the distilleries, when barley had approached the importation price. He wished, however, to assure the House, that agriculture was by no means in so flourishing a condition as many gentlemen imagined. He wished, however, to ascertain a fact much more immediately interesting to the agriculturists; namely, whether the distillers were to be permitted to convert rum into gin, now that rum was admitted at the reduced duty; if so, he understood the consumption of grain in distilleries would be at an end.

Mr. *Huskisson* presumed the hon. gentleman was aware, that the distiller and the rectifier were two distinct callings in this country. If the question applied to the latter, it was certainly matter of great difficulty to answer the hon. gentleman, whether the rectifier should be allowed to decline the spirit in the market which had been distilled from corn by the distillers, and, by an easy process, to convert rum, the produce of a British colony, into what was considered as British spirits.

Mr. *Benett* wished explicitly to understand, whether the rectifier was to have a power of converting rum into gin ["No, no"]. If the rectifier was in effect to have that power, it would directly destroy the trade in the spirit called gin, which was at present made from corn grown in England.

Mr. *Bright* thought it would not be advisable, at the present moment, to press for the reduction of duties; but as to the suggestion, that sugar should be admitted into the distilleries when barley reached a certain price, he thought it would be most desirable that it should be adopted, to show the attention of the House to the West-India interest, and to conciliate the feelings of those of the colonists who, from their great distress, might be apt to entertain feelings of irritation towards

England. He advocated the proposal, more as a mark of the attention of the House to any possible mode of relieving the colonists, than from any hope that by means of it a large quantity of sugar would actually be consumed in the distilleries during the present year. He confessed he did not look at the prospect with respect to the West Indies with anticipations so sanguine as those of the right hon. president of the board of trade; but, under the circumstances that had been stated, he should not now press for the reduction of the duty on sugar. Yet there were claims of the colonists which demanded the attention of the House. By the reduction of the duties on spirits distilled in Scotland and Ireland, rum had been excluded from the consumption of those countries. Now, the producers of rum had a clear right to be placed in the same relative situation to the distillers of corn spirits, that they were accustomed to stand in, in Ireland and Scotland. It was said, that there was no consumption of rum in Ireland. But this did not matter. If there was no consumption, the reduction of the duty on rum there would do no harm; and whatever the consumption was, it was an act of justice to put rum on the same footing, in relation to corn spirits, in which it had formerly stood. There had been a consumption of rum in Scotland formerly; but, owing to the alteration in the distillery duties of that country, the consumption had greatly declined. He conceived it to be the duty of the House, so to arrange the duties as to give the West Indies the benefit of both markets.—From printed documents it appeared, that, in 1807, rum was the spirit almost exclusively drank in Scotland. It was idle, therefore, to say that it had become disused on account of its being unhealthy. When the duties were cheaper, the Scotch consumed more rum. He remembered the time when the whole consumption of that country was brandy, rum, and Geneva; but rum was its favourite liquor. Why had it ceased to be so? Because, owing to the scale of duties, whiskey had become so much cheaper. On the part of the government, there had long been (and very properly) a growing disposition to encourage British spirits; but that disposition ought not to be carried too far. The right hon. gentleman had said, that in Ireland the poorer sort of people did not use sugar, and that it would be of little avail, therefore, to take off the duties upon it in that country; but upon that matter he differed from the right hon. gentleman. He thought it would be well that they should have some luxury of easy attainment offered them; for the desire to possess it might induce them to lay by money for its purchase, and thus produce habits of economy and industry. Agreeing, upon the whole, that this duty ought not at present to be taken off, though he was, at the same time, anxious that rum should be put on the same footing that it formerly stood on, with respect to the markets of Scotland and Ireland, he would not support the motion of the hon. member for Aberdeen.

Mr. *Frankland Lewis* thought, that every thing which the hon. gentleman who had just spoken had said about rum, applied with much greater force to gin. The hon. gentleman did not seem to be aware of the state of the countries he alluded to, in respect to the preference they now gave, or had given, to liquors; for gin, and not rum, had been the drink of Scotland at the period in question. The West-India interest need feel, however, no anxiety either about Ireland or Scotland. In Scotland, the consumption of rum was very little; and in Ireland whiskey was distilled to such an extent, that nothing was to be apprehended from a mere nominal reduction of duty. Let no one suppose that the whole duty of 5*s*. 6*d*. had ever been collected on that spirit. It was so universally evaded, that at no time was more than 2*s*. 6*d*. per gallon collected; so that the present real duty of 2*s*. 6*d*. was just as heavy as it ever had been. As to the expressions of approbation with which he had heard so many gentlemen greet a proposition to allow distillation from sugar, whenever the price of barley should be so high as to admit of the opening of the ports, he begged to be understood as by no means concurring in it. If a pressure was felt by one class, and it was proposed to relieve it, could any thing be more unfair or improper, than to put it on the shoulders of one interest alone, instead of distributing the burthen equally over all? Why were the barley-growers exclusively to be pressed upon, because the West-India interests were to be relieved? the duty on rum had been diminished; the only way in which this could benefit the West-Indians, was by an increase of the consumption; and every gallon of rum consumed was a gallon taken from the quantity of British spirits to be sold. Had they not now brought the duty on rum to the level of that on British spirits [No!]? At least it nearly approximated to it; and in proportion to the increase of its consumption, who were the sufferers? The barley-growers. It was now proposed, when barley rose to the importation price, to admit sugar into the distilleries. Who would suffer by this? The barley-growers; for it was well known, that when the ports were open, there was always a very small quantity of barley imported. Was it no evil to the corn-grower to be exposed, when the price of grain rose to a certain height, to the competition of foreign corn; and would it not be an additional evil, if, besides the competition of foreign corn, he had also another competition to encounter from sugar.

Mr. *H. Sumner* said, he would give the motion his decided opposition, though he trusted that the hon. member for Aberdeen would be induced to withdraw it. Among all the classes of British subjects who had felt the pressure of agricultural distress, none had sustained a heavier burthen than the West-India colonists; and there was none with which he more sincerely sympathized. But as to the proposition, that sugar should be admitted into our distilleries when barley was at a certain price, and such as would open the ports to the importation of foreign corn, he really thought it might be a fair question, whether the benefit here suggested should be given to the sugar-planter or to the barley-grower. Of the two interests he should be disposed to give the preference to their own agriculturists. He concurred with an hon. gentleman opposite in thinking, that the West Indies could only by slow degrees be restored to their former prosperity; and therefore he hoped the House would not be led away by any prospect of immediate, but imaginary advantage to those colonies.

Mr. *Robertson* expressed his belief, that no speedy relief would be afforded to the West-Indians, from the reduction of the duty on rum, on account of the great quantity now in bond.

Mr. *Manning* thought the proposition for the admission of sugar into the distilleries, previously to the opening the ports to foreign barley, so clear that every one would assent to it. All that was contended for was, that sugar should come into the distilleries after British, and before foreign grain. The right hon. president of the Board of Trade had, he thought, underrated the value of this measure, as there were cargoes constantly arriving from the West Indies, on the prices of which it would have an effect. Though the table was not covered with petitions from the West-India proprietors, no class was more depressed. He had known many cases in which the returns of the estates would not support the expense of the negroes.

Sir *I. Coffin* thought, that his majesty's ministers had shewn great liberality towards the West-India interest.

Mr. *Whitmore* said, that in consequence of the situation in which our colonies in the West Indies were placed, and the important subject which was about to come under the consideration of the House, he did not think it prudent at the present moment to renew the motion which he had submitted to the House in the last session.

Mr. *Hume*, in reply, contended, that the consumption of sugar in this country had by no means kept pace with what we had a right to expect. It had been said, that the West-Indians were likely to understand their own interest better than other persons; but he could not help thinking, that they laboured under a complete delusion with respect to the present question. There could be no doubt that the immediate effect of a reduction of the price of sugar would be a great increase of consumption; but, if the price were to rise, the consumption would necessarily be reduced, and the difficulties under which the West-India interest was labouring would be greatly increased. He contended, notwithstanding what had fallen from the hon. member for Taunton, that the reduction of these duties would operate a great relief to the West-India interest. But he had not brought forward the motion merely on account of the West-India interest. If they were determined not to receive relief, he did not wish to press it upon them; but, on behalf of the consumer—on behalf of the people of England—he felt it right to call for a reduction of these duties. The consumption of this commodity, instead of increasing with the increase of population, had remained nearly stationary during the last three years. He was quite aware that it was useless to press this measure, since those who were most interested in it, as well as his majesty's ministers, were opposed to it. He was glad however to hear, that his majesty's government were disposed to allow distillation from sugar, when barley should reach a price which would open the foreign market. This measure would operate most beneficially to the West-India interest, and prevent the evil arising from the sudden change from one extreme to the other on the opening of the ports. If no benefit resulted from his motion, he should not regret that he had brought it forward. Under all the circumstances, however, he felt it would be useless to press it upon the House, and he therefore begged leave to withdraw it

Mr. *A. Grant* said, that if, when the time arrived that it would be advisable to distil from sugar, the measure was not brought forward by his majesty's ministers, he trusted the hon. member for Aberdeen would himself originate it.

Mr. *Gordon* said, it appeared very extraordinary that the West-Indians should have one and all opposed the motion of his hon. friend the member for Aberdeen. He had reason to believe that there was a secret understanding on this subject between the West-India interest and his majesty's government and as a West-Indian, he felt it honest and right to state the fact. The bill granting a remission of 3*s.* in the duty of 30*s.* on refined sugars, would expire on the 4th of July, and it had been hinted by the government to the West-Indian body, that if they persisted in pressing for a reduction of the duties, this bill would not be renewed. The question having been put, whether they would prefer a reduction of the duties on rum, or on sugar, they had preferred the reduction of the duties on rum. The remission of 3*s.* in 30*s.* of the duty on refined sugars was neither more nor less than a bounty; and he would ask his majesty's ministers, with what consistency they, who were day after day insisting on the expediency of free trade, and who had taken away the bounties on linen, could come forward to grant an additional bounty to the West-India interest? He should feel it his duty to oppose the renewal of the act to which he alluded, though he should personally derive advantage from it; because such a measure was directly opposed to the principles of free trade, on which his majesty's ministers professed to act. The West-India interest was greatly indebted to the exertions of his hon. friend the member for Aberdeen. It was to those exertions, he believed, that they were mainly indebted for the reduction of the duties on rum, to which the government had been this year induced to accede.

The amendment was then withdrawn, and the original resolution was agreed to.

Silk Trade.] The House having resolved itself into a committee on the acts charging duties of customs on goods, wares, and merchandize, and for granting bounties on Linen and Silk manufactures exported,

Mr. *Huskisson* spoke to the following effect:—Sir, although my right hon. friend, the chancellor of the Exchequer, when he brought forward his general view of the finances of the country, stated with a perspicuity peculiarly his own, the ground upon which it was his intention to propose a repeal of the duty on the importation of silk, yet, as strong objections have been taken to this part of my right hon. friend's plan, both in this House and out of doors, however unable I may be to follow in the steps of my right hon. friend, I trust I shall experience the indulgence of the committee, while I state, in his unavoidable absence, the views of the government on this important subject. I apprehend, that to the general plan proposed by my right hon. friend, two descriptions of objections have been taken in this House and out of doors. The first class of objections is, that it would be more desirable to make any relief from taxation which can be afforded, in the present state of the finances of the country, fall upon some direct taxes. The other class of objections is made by those persons who wish the laws relative to the trade in silk to remain as they are. Now with respect to the first class of objections, I own it appears to me, that the course pursued by his majesty's government is, in the present state of our finances, and considered with reference to the various interests of the country, best calculated to advance those interests. In commencing measures of relief, his majesty's government felt the greatest anxiety, as it was their first duty, to afford relief to those humbler classes of society, which had been more immediately affected by the increase of taxation during the war on some articles of general consumption. The taxes on salt, malt, and leather, therefore, were those which the government thought it advisable, in the first instance, to reduce. Last of all, though not least in their operation and effects on the lower orders, lotteries have been abandoned. A very considerable remission has been made in the taxation affecting the middle classes of society. Having thus extended relief to the amount of 7,000,000*l.* of taxes to the different classes of society, it had been asked, why we did not proceed in this course, by a further diminution of the assessed taxes? I admit that this would have been a desirable and a popular course; for nothing certainly is more unpleasant than the feeling with which a man pays money out of his pocket to a tax-gatherer, without getting any thing in return for it but a receipt. We felt it our duty, however, to examine, whether it might not be possible, not only to afford some relief in the way of taxation, but to make that relief conducive to the advancement of the industry, wealth, and prosperity of the country; and whether the present momentwas not peculiarly pointed out, as the best adapted for carrying into effect those principles of commercial policy which were calculated to produce those important results. The state of our possessions in India has been alluded to; and undoubtedly it is an object of no slight importance, to consider whether, by some financial and commercial arrangements, an extended mart may not be obtained for the native productions of our vast empire in that quarter. If we look to the immense changes which are now taking place in the colonial system of the world, it is peculiarly incumbent upon this country not to lose sight of the great commercial advantages which may be derived from the immense mart which is opened by those changes, for the extension of our manufactures and commerce. It is true that, at this moment, the provinces of South America are engaged in a struggle with the mother country; but it is almost equally certain, that they can ever return to that state of dependence, with reference, at least, to commercial relations, in which they were placed before the late changes. When we consider the immense progress in the commercial relations between this country and the United States of America, since they established their independence, it is not too much to assume, allowing for the difference of activity, industry, and wealth between the United States and South America, but still looking to the population of the latter, and the extent of country over which that population is extended—it is not, I say, too much to assume, that South America will open a mart to our commerce of which our present experience is but an earnest of its future extent. In this state of things, if we find, in legislating with a view to extended commercial advantages, that a particular branch of our manufactures is impeded in its progress by impolitic laws and regulations, such as restrictions on the freedom of labour, duties on the raw material, drawbacks improperly or inadequately applied, being in some cases more than necessary, and in others not sufficient, I think it well becomes a government, having a small excess of revenue, to inquire, whether it may not be better to forego the immediate benefit of a reduction of direct taxation, in order to remove such impolitic restrictions.

It has been truly said, by the hon. member for Taunton (Mr. Baring), that the excess of revenue on which my right hon. friend calculated as a permanent excess on which to found a remission of taxation, did not exceed 500,000*l.* My right hon. friend himself stated, that he had taken a saving upon four years, amounting to 200,000*l.*; this saving in part arising from sources which could not be regarded as permanent. He had done this, under the feeling, that if ever we were to change the system by which our commerce and manufactures were impeded, the present was a favourable moment: and he had contemplated, not merely the relief which would be derived from the extent to which taxation was remitted, but that further relief which might be expected to grow out of the increasing prosperity of the country. In promoting new branches of industry, public wealth, and commercial prosperity, we are sowing those seeds which in the fulness and fecundity of the future harvest, will afford us the means of future relief from other burthens, and which, if unfortunately the country should again be involved in war, and new exertions should be called for, will supply the best means by which our efforts may be sustained. Upon this principle it has been thought desirable, notwithstanding the objections which have been raised, to persevere in the plan of my right hon. friend, and to call upon parliament to make those alterations in the laws regulating the silk trade, the grounds of which he so ably opened to the House on a former occasion. I am aware that it has been said, that the views which have been taken of the disadvantages under which the silk trade labours from the existing laws, have not been supported by those engaged in the trade. The hon. member for Cheshire has said, that the trade is perfectly satisfied with the present state of the law; and the hon. member for Taunton says, that no person in the trade wishes for any change. I own I am exceedingly surprised that there should be any persons in the trade who do not wish to be relieved from the shackles and disadvantages under which they have hitherto laboured. It occurred to me that, in the last session of parliament, almost all the principle persons concerned in the trade petitioned the House to be relieved from these restrictions. On looking to the petition presented by the manufacturers in the city of London, I find that, so far from being satisfied with these restrictions, they express themselves to the following effect:—"This important manufacture, though recently considerably extended, is still depressed below its natural level, by laws which prevent it from attaining that degree of prosperity which under more favourable circumstances it would acquire. Taking into account the unlimited supply of silk with which we might be furnished from our East-Indian possessions, our indefinite command of capital, and the unrivalled skill and industry of our artisans, your petitioners hesitate not to express their conviction, that by judicious arrangements our silk manufacture might be placed in a condition ultimately to triumph over all foreign competition, and that silk, like cotton, may be made one of the staple commodities of this country" [hear!].

My right hon. friend, therefore, came to the House under the conviction, that this trade was greatly depressed, and suffering especially from the duty imposed on the raw material. It will scarcely be necessary to enter into any arguments of a general nature to shew the impolicy of such a duty, or the thousand checks and disadvantages to which the trade is exposed from regulations interfering with freedom of labour. I have heard no general argument advanced in favour of the state of things to which I have alluded. I have heard indeed some more limited arguments put forward by hon. gentlemen on the opposite side, which apply more immediately to the peculiar situation of this particular trade. The hon. member for Coventry, for instance, told us on a former evening, that silk is not a native manufacture of this country. The hon. member for Taunton went so far as to assert, that silk, like fruit, could only flourish in particular places; and I confess it did strike me as a somewhat whimsical instance which the hon. gentleman adduced in support of his proposition, for he stated that Taunton, which now has a very extensive silk manufacture, was forty years ago unacquainted with it, but possessed a considerable manufacture of woollens. Now, I cannot say who it was that represented that very respectable borough forty years ago. He might have been a most influential and enlightened member of this House; he might, for aught I know, have been familiarly conversant with the principles of political economy—the staunch and determined advocate of free trade—the zealous disciple of Adam Smith, whose opinions then first began to be published to the world; but, if the chancellor of the Exchequer of that day had come down to the House, and said, "I am desirous to place the cotton manufactures (which were then subject to the same heavy duties which now attach to the silk trade) upon the sound principles of free trade, I wish to give that branch of industry an opportunity of extending as far as it is capable in this country", doubtless, the then hon. member of Taunton, be he who he might, representing the woollen manufactures of his constituents, would have risen in his place, and said, "How can you propose such a measure? The woollen manufactures have been the staple trade of this country for ages, and how can you expect that England, which possesses so little machinery, can compete in the cotton trade with India, where labour is so cheap [hear hear!]?" This is precisely the nature of the argument put forward by the hon. gentleman opposite (Mr. Baring), for whose opinions, great talents, and statesman-like views, I entertain generally the greatest deference, But, if that grave objection had been taken at the period to which I have alluded, respecting the approaching ruin of the staple of England, and an alarm was taken at the unfortunate disuse into which flannel waistcoats and woollen hose had fallen, it would unquestionably have been a curious question to solve, whence arose the strange alteration in female dress? Gentlemen would then have exclaimed, "so strongly did our ancestors feel the importance of the woollen trade, that the very shrouds of their dead were composed of that manufacture; and can there be a stronger argument in favour of maintaining this most valuable staple commodity [a laugh]?"

Now, at this stage of the question I beg the attention of the committee whilst I trace the progress of the cotton manufacture; and I do so because I feel, and indeed, it cannot be doubted, that the arguments, which now are applied to the change in the silk trade, would then have been applicable to the cotton manufactures. I know of nothing in the history of commerce—I am not acquainted with any thing in the history of our manufacturing prosperity—that can at all compare with this. It is perfectly true, that forty years ago the manufacture of woollens was the great staple trade of this country. In the year 1780, the whole exports of our cotton manufactures did not amount to more than 350,000*l.* In 1785, which was two years after the peace, and when the commerce of the country had in some measure recovered from the difficulties of war, the whole extent of our cotton exports, of every description, did not exceed 864,000*l.*, whilst at that period our woollen exports amounted to nearly five millions; the proportion between the two commodities being at that time five to one. But, how stands the case at present? Why, Sir, from that period to the present, that is, from the year 1785 to the year 1822, the cotton exports have risen to the incredible amount of 33,337,000*l.* [cheers], which is more than forty times the amount of the former period. I am now, of course, speaking of the official duties. But, with respect to the woollen manufactures, the great staple trade in former times in this country, it does not now amount to more than 6,000,000*l.*, being not so much as one-fourth the amount of the exports of cotton. Why, then, when I see the pre-eminent advantage which arises from the circumstance of allowing capital to run in a free and unrestricted channel; when I contemplate the benefits which the country has derived from the application of sound principles to this single branch of commerce; am I not justified in endeavouring to prevail upon the committee to extend those principles which have produced such invaluable results [cheers]? Now I have only stated what the growth of our cotton manufactures was with respect to our exports. In so doing (as I have already stated), I took the official estimate; and this was perfectly fair, because I did so with both articles, although of course the official value is higher than the real. But I have taken considerable pains to ascertain the real value with respect to our home consumption, and I find that the cotton goods consumed at home within the last year amount to 32,000,000*l.* sterling. Now, I know I shall be asked, how does all this apply to the question of the silk trade, which is produced by little labour, and from a comparatively small quantity of raw material? But when I state that of the thirty-two millions worth of manufactured goods, not more than about six millions are invested in the raw material, and the remaining twenty-six millions go to the profits of the capitalist and the persons employed in the manufacture, will any man, who takes a statesman-like view of the subject, doubt the proposition with which I set out; namely, that when you remove the restrictions, and burthens from any one branch of industry, you not only afford relief to the amount of the tax remitted, but you lay the foundation for commercial enterprise, of the beneficial effects of which it is impossible to foresee the extent. I would ask any man who has attentively considered the resources of this country, whether, if the restriction had not been removed from the manufacture of cotton, the continuance of which would have impeded its extension, this country could ever have made the gigantic exertions which it had made during the last war? I would ask, whether the number of persons employed in this manufacture to the amount of 1,200,000, whose wants are supplied in return for their labour, does not afford more real encouragement to agriculture, than any regulations to force up artificial prices could do? It is to the growth of wealth, and the progress of industry, that this country must look, not only for relief from her present burthens, but for the power of making fresh exertions, whenever her situation may demand them. But it is not in the power of any artificial measures to give that real relief to agriculture, or to any other mode of occupation, which can only flow from the increasing activity and constant industry of the people. The most remarkable feature in the history of the cotton manufacture, is the *impetus* which it has given to invention, the numerous important and valuable discoveries which it has brought forth, the ingenuity which it has called into action, the tendency and effect of all which have been, to produce the article at the lowest possible rate; and we find that in the end, a greater number of persons have been employed to direct the machinery, in proportion as the manufacturer had the prospect of fresh resources.

But, what is the situation of the silk trade under the prohibitory system, which is considered by some as being its greatest advantage? Why, Sir, the monopoly in this trade has produced, what monopoly is always sure to produce, an indifference with regard to improvement. That useful zeal, which gives life to industry, which fosters ingenuity, and in manufacturing concerns, promotes a desire to produce the article in the most economical form, has been completely extinguished. I say, that the system of prohibitory duties has produced this effect; that, to the shame of England be it spoken, in this branch alone in the whole range of manufactures, we are completely left behind our neighbours. We have witnessed that chilling and benumbing effect, which is sure to be produced when no genius is called into action, and when we are rendered indifferent to exertion by the indolent security of a prohibitory system. I have not the slightest doubt, that if the same system had been continued with respect to the cotton manufacture, it would at this moment be as subordinate in amount to the woollen, as it is junior in its introduction into this country.

I am afraid I have already trespassed too long upon the patience of the committee [cheers]; but I have been anxious to impress upon the House, and the country generally, that if there be a chance of giving new life and vigour to any branch of industry, which has either been in a state of stagnation, or slow in its progress, there are at present, in the situation of the world, circumstances calculated to afford relief which never before existed; and I must say, that those, who, blindly desirous of procuring immediate relief for the country by the remission of direct taxes, would neglect the ample, extended, and tempting field which now lies open before us, do not take a wise or statesman-like view of the sdbject. Now, Sir, it is not merely for the reason which I have hitherto attempted to explain, that I support the propositon of my right hon. friend, but also with reference to the general principle of all prohibitory duties on any article of general use: and I could wish to direct the serious attention of the committee to the real nature of the prohibitory system. I would ask if there be any evils in our code of penal laws which can be at all compared with that system of prohibition which some gentlemen are so desirous to uphold? By the present laws, any individual, no matter who, the commonest ruffian in the street, may snatch from a gentleman any article which he suspects to be of foreign manufacture. Could any thing be less congenial to the spirit of English law, than this, that a man may enter the dwelling-house of his neighbour, and make a diligent search, because he suspects there is some prohibited article to be found in his domicile? Have we not heard of Excise officers stopping a gentleman's carriage, and subjecting it to a diligent search upon bare suspicion of its containing contraband goods? But, are these the only considerations? To what an extent of perjury and fraud do they not give encouragement? The higher classes of society will have these prohibited articles. In fact, these prohibitory regulations are like the game laws—if you continue them you must expect to have poachers. It is the higher classes of society who are responsible for all the breaches of those laws—laws which are made, not for the protection of the subject, but to produce an imaginary benefit, which he considered a real detriment, to the very manufacture which it was intended to serve. I profess to be very unlearned on those subjects, but I understand, Sir, that any man on applying to the court of Exchequer, may sue out what is called a writ of assistance, by virtue of which he is empowered to search any gentleman's house, which is thus placed upon the footing of a gambling-house, and subject to the search of the police.

The arguments of those who are opposed to the plan of my right hon. friend appear to me very singular. The operative classes, and the master manufacturers who have petitioned against the removal of the prohibitory system, have done so upon the principle, that it is necessary to maintain the prohibition for the benefit of trade; and though they frankly state, that whatever goods the caprice and fashion of the day may require to be introduced into this country, may be imported at an insurance of fifteen per cent and sold in any shop in the kingdom, yet these very persons say, that an *ad valorem* duty of 30 per cent. would be insufficient to protect them. Upon this subject, it is necessary that I should refer the House to the evidence which was adduced by these very persons before the Lords' committee. It is at all times a disagreeable and tedious thing to do; but it will be curious for the committee to examine the fact, since they will find that all the witnesses upon that occasion spoke to the necessity of the proposed alteration; to such inconsistencies were men sometimes driven, in the pursuit of a particular object! I shall refer the committee to the evidence of Mr. Hale, a gentleman well known to many members of this House—a man of the greatest benevolence, and who possessed the strongest desire to promote the comforts and happiness of the labouring classes. This gentleman's evidence must be considered highly valuable, not only on account of his personal respectability, but his perfect competency to judge of these matters. We are now told, that 30 per cent will not be a sufficient protection for the British manufactures; but upon this subject it is only necessary to refer the committee to the evidence of two American merchants, who came over to this country to purchase goods, from which they would be able to form a fair opinion. One of them (Mr. Farnsworth) was asked—"In what respect do you consider the French silk goods to be either inferior or superior to ours?" He answered—"Their goods are generally afforded at a less rate than the English of similar quality, and upon that account they will have the preference of sale." He was then asked, "at what per cent would you estimate the difference of value in goods of nearly the same quality?" He replied—"Upon examining the goods here, I have made up my mind that there is something like 20, or 25 per cent difference between the French and English goods in blacks, and rather more in colours." In the article of ribbands, he answered unhesitatingly, that there was a difference of 25 per cent. Here, then, is an American merchant coming to Europe to make his purchases, and finding this difference between the French and English manufactures. Mr. Hale states, "when I was at Paris they had no idea I was a Spitalfields manufacturer, and they offered me, for an insurance at 10 per cent to send me any quantity of manufactured silks I chose to select to any part of London I pleased, notwithstanding their liability to be seized as French wherever they were found." Mr. Hale was then asked this question—"Do not a great many French goods find their way into this country?" He replied "Yes, but I do not consider that an evil; there is a disposition in many to wear any thing that comes from France, and we have frequently found that few silks thus introduced, however improperly, have been copied immediately; and where there has been one French garment worn, there have been a thousand sold as French from the very patterns thus copied." But he did not stop here, for he went on to state "It is no uncommon thing for a manufacturer to copy the pattern immediately and send it down to Brighton, and by means of fishermen and smugglers, the silks are sold for French at a higher price than they would have given for them in London."

Now, does not this statement prove to demonstration, that with a protecting duty of thirty per cent, we might fairly copy the French patterns as we do now, without ministering to the vitiated taste of those who can derive no satisfaction from a garment, unless it be worn in opposition to the laws of the land, and affords encouragement to smugglers? Therefore, I say, that with adequate protecting duties, all that we can desire would be accomplished. Indeed, I have seen the deputation from Manchester this day, and they do not hesitate to say, that, under such an arrangement, they could meet the French manufacturer in any country in the world, and would not be afraid of being distanced [hear! from Mr. Philips]. The hon. gentleman opposite will have an opportunity of contradicting this statement by and by, if it be not correct; but I can assure the committee, that since this business was first opened by the chancellor of the Exchequer, there has been no want of due diligence, either on his part or mine, to make ourselves masters of the details of this difficult question, by communication with those who were best able to afford information; and I hope, that whilst, on the one hand, we are accused of having acted too precipitately, and on the other, of not having come with sufficient expedition to a decided result, we shall at least be acquitted of any want of exertion to form the best judgment that we could upon the matter. With respect to the charge of delay, it would have been impossible to have formed a final determination, until we saw how all parties were likely to be affected. But this day I have had an interview with the deputation from Manchester, and they state it as the opinion of the manufacturers of that town, that if time be given them, they would not be afraid to compete with the manufacturers of France in any market in the world; and from the increasing improvement in machinery, they look forward to the prospect of beating their rivals in every other branch of industry [cheers]. I am quite aware I shall be told, that the trade is the best judge of their own particular interests. I have as great a respect as any man for all persons concerned in commerce and manufactures; and, indeed, in my official situation, it is my duty to consult frequently with those from whom I can obtain information; but I trust it will not be considered inconsistent with the respect which I feel towards them, to deny, as a general proposition, that any branch of trade is necessarily the best judge of the peculiar interests which are connected with their calling. Without meaning, in the slightest degree—on the contrary, disclaiming the intention—to impute to any particular pursuit, a disposition to uphold themselves, to the detriment of the community, still I must say, that a system of monopoly must be favourable to great capitalists. Although at the same time, it cramps trade generally, and does a great injury to the community, I am perfectly aware that the proposed alteration must affect particular interests materially. The broker, for instance, would suffer, and those who received a commission on the raw material. But there always will be partial interests that must suffer for a time; and all that parliament can do, and that it is its duty to do, is to deal with them as tenderly as possible. There are also persons who are not remiss in diligence in opposing this measure, and who have created a strong feeling out of doors; I mean all those who, under the prohibitory system, are benefitted by smuggling. They are naturally afraid that their trade will suffer, and that if there be no prohibition, no lady will fancy a French article when she can get an English one; so that in fact, the ladies' maids and their mistresses are not the least part of the confederacy against the proposed arrangement.

I have now, Sir, in the absence of my right hon. friend the chancellor of the Exchequer, stated the general grounds upon which this proposition is founded, and I shall now proceed to state the mode in which it is intended to be carried into execution. The difficulty in which government were placed is this:—It is obvious that if we postponed the remission of the duties, an impression would be created in the mind of the consumer, that he would get the article at a much lower rate than the proposed remission would justify him in supposing; and the obvious effect would be, to give a general slackness to the manufacturer of this particular article. It appeared, therefore, on the best consideration we could give the subject, that the wisest course we could pursue, in order to put an end to all the disquiet which exists among those who depend on their daily labour in that manufacture for support, would be, to make the remission of the duty as entire and as speedy as possible. I shall therefore propose, that the remission, instead of taking place on the 5th of July, shall take place as early as the 25th of this month; with a view to prevent any stagnation in the trade, nay, to give a fresh stimulus to the manufacture. We found ourselves under another difficulty when we came to consider the stock on hand; still, however, it was not impossible, as we conceived, to come to a satisfactory arrangement. The arrangement which we preferred was, to enable persons having raw silk on hands, to return it into the warehouse, to reclaim the duty paid thereon, and to take back the silk on the 25th of March, subject only to the new rate of duty. The result of this will be, to limit the period during which any stagnation might be felt, to the very short interval between this and the 25th of March. But I think it much more probable that no interruption to its activity will take place. It is hardly to be supposed that they will stop their mills, instead of continuing the activity of their trade, which is so likely to be soon increased under the operation of this measure. It is true, that to that part of the stock which has been worked and distributed we cannot extend the arrangement I have already mentioned, and there some inconvenience must be felt; but, if there be any thing in this objection it is one which applies to all similar cases, and can be urged at all times when alterations come to be made in the existing duties. It is probable that this inconvenience will be the less felt in the present instance, as, owing to the course of monopoly, the fluctuations in the price of the article are frequently much greater than the amount of the duty. But whether or not, it would be an endless and impracticable task to go about to every haberdasher's shop to ascertain the precise quantity of the manufactured material on hand. In the course of last year the article fluctuated from 60, which was the highest, to 40, in the course of a few months; and the committee will perceive that this was a difference beyond the rate of the duty.

I now come, Sir, to another part of the subject, that which relates to the prohibition: In this manufacture, cursed as it is by monopoly, we have not sustained our usual character, in the general competition of Europe. We are unequal in machinery, in working, and in colouring, to our continental neighbours. That we are incapable of rising to an equality with them in this, as we have excelled them in other branches of manufacture, would be difficult to deny, upon any rational ground. The opinion of many experienced persons is decidedly in its favour; but, while we are in that state, and while the feeling exists, which is calculated to aggravate the fact to our disadvantage, it is the duty of parliament to give the subject a fair consideration, and to approach it with some regard even for the prejudices of the parties concerned. Instead, therefore, of making the repeal of the prohibition contemporaneous with the remission of the duty, I propose that the prohibition shall continue up to July 1826. I do this under the impression, that something is due to the general feeling entertained upon the subject; and because I am comparatively indifferent as to the period when the principle shall come into full operation, if I can see a prospect of establishing it at last. I am aware that it is the wish of some to have the prohibition continued indefinitely, but I entertain no fear of foreign competition. These are the principal measures which I shall submit to the House in the shape of a resolution. I have stated to the committee the grounds upon which the principle appears to me to be generally wise. One part of the arrangement I omitted to state, and it is of importance that it should be stated. We have felt it necessary to provide, that all the manufactured goods in the kingdom intended for exportation, may be placed in the warehouses for that purpose, and immediately on being exported, admitted to the full benefit of the drawback. It is not from an attachment to any particular theory of political economy that I have been induced to propose this measure. I have seen too much of the uncertainty of all such foundations in the course of my public life, to be an enthusiast in favour of any. If I am accused of possessing over liberal principles with regard to trade, I must plead guilty to the charge; but they are principles founded in experience, and sanctioned by the best authorities. They operate to remove the jealousy of foreign powers, to promote the cause of civilization, to reciprocate the enjoyments and advantages of different climates; and, when you speak with reference to the commercial interests of this country, the argument is strengthened instead of being weakened—her wealth, her industry, her talent, her prosperity, are all so many inducements for us to liberalize the system. I would be liberal to other countries, because, amongst other reasons, it is the best way to promote the interest of my own.—The right hon. gentleman concluded, amidst loud cheers, by moving a resolution, which embraced the objects explained in his speech. The applause was not confined, as usual, to the members; a numerous party of the individuals concerned in the trade having made their way into the gallery, where they testified their approbation by a clapping of hands.

Mr. *Baring* said, he must confess that the impression made on the committee by the speech of the right hon. gentleman was such as to render it a vain hope that any thing which he could himself offer would remove it. Still, however, he would declare that, with all the attention he could bestow upon the subject, and all the consideration he could give it, the impression which he before had, remained to that moment unshaken; namely, that the measure proposed by the right hon. gentleman was a dangerous experiment for the country. He would admit, at the same time, that nothing could be more candid and disinterested, than the course which his majesty's ministers had pursued. They undertook a great responsibility in what they proposed; and it was highly creditable to them not to shrink from that responsibility, when they thought that by incurring it, they had a fair opportunity of serving the public. He had himself a strong inclination towards the principle of free trade, properly understood; but the right hon. gentleman appeared to him to have selected the most dangerous instance for the trial of his experiment. When the right hon. gentleman talked of the blessings of free trade and the curse of monopoly, it must be obvious to the committee, that he kept up a great portion of the curse, as he called it, in his own proposition. What, he would ask, had the House been discussing all night, but the monopoly of the sugar trade to the West Indies? And what could be better known, or more distinctly avowed, than the monopoly secured to the landed interest by the system of the corn laws. If, then, they were making a beginning on the principle of free trade, they were making it at the wrong end. In his opinion, it would be the destruction of that manufacture; for, what was the measure which was to produce all the wonderful effects, in the description of which the right hon. gentleman had flourished so sanguinely? The whole was to arise from letting French silks into the market. This trade which was a weak one, which the right hon. gentleman had himself admitted to be greatly inferior, both in loom and dye, to the foreign manufacture, was to be strengthened and improved at once, by letting in the competition of a foreign and superior article? Had not our cotton and woollen trade risen under the very system condemned by the right hon. gentleman? He would ask, did our excellence in those manufactures originate in the free importation of foreign cottons and woollens? It would be well, he thought, before they agreed to the adoption of the experiment, that they should examine and ascertain the causes that had led to the improved state of the silk trade. It might be found in the course of such an investigation, that there was something in the nature of the article itself to account for it. Then what was the particular advantage that France itself might have? The right hon. gentleman had ridiculed the idea, that particular trades had fixed in different spots, with which it would be most difficult, if not impossible, to keep up a competition, Sheffield and Birmingham were instances of this in our own country. No reason could be assigned to shew why, in their respective branches of manufacture, these places should excel all others; yet, such was the fact. Neither could it be proved from reason, why Geneva should excel in trinkets and watches, and Tuscany in straw hats. With respect to the silk trade, Lyons had, for a lapse of years, a name which it would be vain to contend against upon equal terms. He knew that some silk manufacturers had gone from this country to learn the art of dyeing, as it was practised in France. One intelligent man, whom he had spoken to, had offered money to the French manufacturer for the discovery of his art; but the Frenchman was an honest man, and told him, he would not take his money, as he had nothing new to communicate. "We use precisely the same materials that you do," said he; "but I never dye without the advantage of a very clear sun, and it is to that alone that all our superiority of colours is owing." There were reasons drawn from climate, and other circumstances, which some times gave a local habitation to a particular manufactory, which the principles of free trade, whatever their general efficacy might be, could never remove. There were others, to which those principles were some times sacrificed for the purpose of maintaining. In France they never exported their raw silk, because it was superior to the silk of all other countries; superior to what could be obtained from any part of Italy. France, as it appeared to him, was perfectly right in adopting such a policy, and the propriety of it would only be denied by those who were attached to certain principles of political economy, to which they considered every thing else as subservient. If they were sure that they would be doing a service to the manufacturers themselves by the measure that was attempted in the course of the last session, he thought they should not be prevented by petitions from effecting the good which it was in their power to perform. The whole amount of the present measure was, that French silks should be permitted to come here; but the committee ought to know the state of the trade with which they were interfering. This country sent no silk abroad that was not mixed with cotton or worsted, or manufactured in the shape of silk stockings. The duties from which the trade was to be relieved could only affect the home consumption; and all that the right hon. gentleman proposed to do was, to let France have a part in supplying the consumption of this country. If this was done with a view to some general purpose, such as the establishment of some treaty of commercial arrangement, he would be disposed to say—

let the silk trade go, in order to procure us a free commerce with France. But, after all they had heard about free trade, the trade under the new regulations, if free at all, was only free upon one side: it went to let in a favourite manufacture of France, without any provision for reciprocity or compensation. Not above two years ago it was proposed to permit the importation of thrown silk, which was opposed at that time successfully, and now it was not even allowed to be warehoused.—["It will be," from Mr. Huskisson.]—Mr. Baring, in continuation, said he spoke of what now was. The organzined silk then, was prepared in Italy at one half the price it cost here; and the right hon. gentleman was abandoning his own principle, as it left the throwsterer his monopoly, and the manufacturer at his mercy. The right hon. gentleman migh know, from the conversation of the ladies' maids to which he had alluded, what would be the consequence of his proposed measure. Why, all the shops of London would be full of French silks, which the ladies would prefer to English, and thus the English manufacturer would be ruined. The essential part of this great question was, the power of the English manufacturer to stand a competition with the manufacturer of other countries; and this part of the question had not been sufficiently inquired into. The House was proceeding too rapidly, and, he thought, might have learnt more caution from the check they received last session. There were several parties who had stated that the proposed measure would be injurious to their interest; therefore it was their business to make a more strict and extended inquiry. The right hon. gentleman said, that there was the Lords' report; but he did not think that the evidence there given was that of people on whom we might rely. It never had been examined, however, even in that committee, to what degree we could stand competition. His own opinion was, that those who proposed this new plan, were completely ruining the silk manufacture of England. They would find this out, when they had deprived thousands of poor manufacturers of their bread; and they would then endeavour, under the most disadvantageous circumstances to retread their steps. He had minutely examined this question, in order, if possible, to come to a different conclusion; but, after the most serious consideration, he remained fixed in the opinion which he had originally formed. Individuals, it seemed, had given the right hon. gentleman the utmost encouragement to proceed with this measure; but, how did it happen that there was not a single petition on the table in favour of it? [Mr. Huskisson—"The Manchester petition."] As the committee were likely to tolerate the resolutions of the right hon. gentleman, he was glad that he had got even one petition in favour of their adoption. The right hon. gentleman said, that at present the smuggler brings in French silks, at an insurance of 10 per cent, and he will put on a duty of 30 per cent, giving, in fact, the manufacturer a greater protection than he now enjoyed. But, had the right hon. gentleman never reflected on the protection afforded this manufacture by the proscription? The moral feelings of the people of this country were so strong, that nine out of ten would not use the prohibited articles. The risk they ran of having them taken away operated as a bar to their using them. The French had the advantage over us in point of silk, in point of machinery, and from labour being cheaper. Once we had been told, that the application of English machinery would make up for dearness of labour; but now we were told, that our machinery was worse than that of the French, and that this was owing to our monopoly. And the mode, which the right hon. gentleman took to remedy this was, to open the English market to French silks, manufactured under these advantageous circumstances! He would invite the competition of rivals, superior in machinery, superior in their dyes, and superior by the cheapness of labour! The right hon. gentleman's statement was, that owing to the shackles on the trade, or the inferiority of the workmen, or the dearness of labour, we were likely to lose this branch of manufacture, and to leave our rivals in clear possession of the market. Therefore the right hon. gentleman wished to alter the system and he proposed to allow a certain period before that alteration was finally adopted. But, what effect would this have? It would entirely paralyze the efforts of the manufacturers. The whole manufacture of silk would be paralyzed until that time arrived. No man would venture to go on with his business, until he knew definitively whether he could or could not safely enter into competition with France. Those who had capitals embarked in the trade would not go on with the silk manufacture, until they could clearly see what result was likely to arise from their adventurous spirit. He had very recently seen a gentleman of great respectability in the lobby, who informed him, that he would have nothing more to do with the trade, until he saw what was likely to become of the manufacturers. They would go into this competition with faint hearts. The boldest of them would find no energy for competition; and, in consequence of their backwardness, all the labourers would be kept out of work. It was quite clear, that the manufacturer would not depend even on the speech of the right hon. gentleman, as conclusive proof that he would be a successful rival of the French. He would therefore abstain from expending his capital, until he saw how the new system was likely to work. In his view of the question, it would be better, if ministers believed the principle to be good (for his own part, he looked upon it as good for nothing) to try it at once, to prove its effects as soon as possible; instead of leaving a trade in a dejected and lingering state, month after month, until the period arrived, when the great experiment must be put to the test. They would have a fairer chance of succeeding, if they abstained from delay, which would only have the effect of destroying the energy of the masters, and reducing the operative class to utter hopelessness. None of the circumstances adduced by the right hon. gentleman in support of his plan afforded to the British manufacturer so much prospect of success as the supply of East India silk; and if, by a proper understanding with the Court of Directors, who had now a sort of control over that article, they could throw the trade more open, it would certainly be an alteration of a beneficial nature. At present, the trade in East India silk was carried on in such a way, as to prevent any person from discovering whether a finer description of silk could or could not be procured from that country. The silk now imported was in general coarse, but articles of a very fine kind were sometimes imported; from which it might be inferred, that a much finer description of silk might, if care were taken, be procured. The trade was still, however, in a very unsettled state, the court of Directors having blocked up and impeded it. If, however ministers expected any good from this new measure, they ought to take care, in the outset, that a plentiful supply of the raw material should be within the reach of the manufacturer. It would be futile, after they had dispirited and distressed the trade, to go about looking for the raw material, which they should have secured at first. The plan, it appeared was, to proceed to India for silk, and, at home, to set up a system of competition with the French, in a manufacture our knowledge of which, the right hon. gentleman allowed to be in all respects inferior to that of our neighbours. He again called on the committee to pause and inquire, before they proceeded further. In that case, if they ruined those individuals, they would have some justification to show; since they might say, what they could not at present do, that they had erred after a mature consideration of the subject. Gentlemen might rest assured, that the moment this plan was promulgated, the great object of all those who had capitals embarked in the manufacture would be, to disentangle those capitals: and those who had no capital, except their labour, would be left to struggle for themselves, and probably to perish for want of employment.

Mr. *Wallace* said, it was satisfactory to find, that none of those gentlemen who opposed the measure called in question the principles on which it was founded. It was also a great satisfaction to him to find that it was chiefly opposed by gentlemen who represented places in which the silk trade was carried on, or which were connected with it; and such gentlemen, it might be supposed, were some what influenced by their constituents, who always foresaw danger in every measure which went to interfere with their monopoly. They were subject to alarm, and were frightened at every approach which was made to those privileges, within which they were intrenched. He did not blame them, for every man was bound to defend what he supposed to be his own interest; but this he thought should be a caution to the House not to be too ready to act on the alarms and apprehended dangers of the persons complaining. The House had begun to act on the principle of giving freedom of trade, not for the benefit of a few adventurers, but for the benefit of the country at large, and of all persons concerned in trade. In the measure proposed, the House would only be acting on principles which were found to be eminently advantageous in all other manufactures; and he did not know why that of silk should be an exception to the rules under which they flourished. The hon. member had warned the House not to try experiments; but this was not, properly speaking, an experiment. The warning or the admonition, would be a good one if they were applying new principles and untried theories; but they were only applying principles which had been found, on many other occasions, to be of very great utility, to this trade, which was a prominent exception to the soundest rules. It was a flourishing trade, he admitted; but it was flourishing for the individuals at the expense of the country—it was a monopoly kept up by levying an enormous tax on the whole country. There was no doubt that it might flourish independent of this, that the demand would increase, and the trade be augmented by a taste for silks extending itself among the people. Thus employment would be found for more hands, and a tax be remitted to the people. And no tax could be remitted so full of advantages as one which, while it left money in their pockets, gave them liberty, by extending the freedom of trade, to employ it. The hon. member had asked for the ground of our belief that the trade would increase when the prohibition should be removed. Did it not now flourish with a heavy tax laid on the raw material? The hon. gentleman said, too, that we had no evidence but that which had been taken before the Lords. Did he forget, then, that that evidence was taken under an advantage never possessed by the House of Commons in such inquiries, and that every part of what was, there stated was sanctioned by the solemnity of an oath? He would only refer him to the evidence of Mr. Wilson, who was decidedly of opinion, that the cause why the silk manufacture in this country did not equal that of France was, the restrictions under which it laboured. He would also call to the hon. gentleman's recollection the report of the committee of that House on foreign trade, in which Mr. Wilson had said, "that the principal reason why Great Britain could not compete with other nations was owing to the duty. Before the war we possessed a considerable trade in silk; we now possess great advantages in our Indian silk, and if the trade were thrown open, we should supply the French market with this article." The silk of India was cheaper than the Italian silk; and if there were no duty on the article, no prohibition, England would be the mart, not only for the raw material, but for the manufactured article. If it were true, that we had had a considerable trade with a large duty, why should we despair of acquiring a greater trade when that duty should be abolished? What chance was there that France could compete with us in our own markets? It was, however, not proposed to allow the free importation of French silks, but only to remove the prohibition and allow them to be imported on paying a duty of 30 per cent., which, in his opinion, was more than sufficient to counterbalance any advantages possessed by the French, even if they were rated much higher than they were by the hon. member for Taunton. The hon. member, as one of these advantages, had stated that labour was cheaper in France in the silk trade than in England. Concerning this particular trade he confessed he had no information; but he had lately seen a gentleman from that country, who was extensively engaged in the cotton manufacture, and he had questioned him on this subject. That gentleman was a very competent judge, and had himself been at Manchester making some inquiries; and he had assured him (Mr. Wallace), that the price of a day's labour was certainly less in France than in England; but that so much less was done for that price in the former than in the latter country, that, on the whole, labour was cheaper here than there. It was that gentleman's decided opinion, that manufacturing operations at least in the cotton trade, were carried on at a less expence in this country than in France. Now, he did not know why it should not be true also of the silk trade, unless the restrictions to which that trade was exposed, and which, on a former occasion, it had been vainly attempted to get rid of, made the price of labour in it comparatively higher than in less restricted trades. As to our machinery not being equal to that of the French, it was very extraordinary, considering that in most other points our machinery was so superior to theirs. But every body knew what the effect of a monopoly was. Where parties were secure against all competition, talents were stifled, and there was no motive for exertion. It was a fact, that, in numerous other articles we undersold the French; and it was also a fact, that in this one highly-favoured and protected article, they were in some things superior to us. The greater cost of the article in our own country was, he believed, chiefly owing to the restrictions under which the trade laboured. For this reason, he did not approve exactly of the time which his right hon. friend now proposed to give the manufacturers: he thought it too long. It would be a disgrace to the country and a disgrace to the House, if they were now to depart, under any false notion of its being for the interest of the men, from those liberal principles which they had begun to act upon, and on the steady pursuit of which the prosperity of the country would greatly depend. He was particularly surprised at the quarter whence this opposition came; for he recollected the hon. member for Taunton presenting a petition from a most respectable body, praying for freedom of trade. He also recollected that, on that occasion, the hon. member had supported the prayer of that petition very energetically, and had used the same language as to particular prohibitions which he (Mr. W.) now held, and was now ready, according to the hon, member's recommendation, to act upon. By taking away prohibition, we kept the manufacturers under the constant check of a possible competition, and encouraged them to be watchful after all those improvements which could ensure them the command of the market. By such a measure we should have better and cheaper commodities; and, so far from having any thing to dread from the competition of France in our own markets, we should be enabled to extend our trade to all parts of the world.

Mr. *Butterworth* suggested the propriety of extending the same assistance to the manufacturer, as was intended in the proposed plan to be given to the merchant, with respect to the stock on hand. There should be no difference as to the allowance of the drawbacks on the duties paid between either description, as, in his judgment, their claims to consideration stood upon equal grounds.

Mr. *W. Peel* said, he was persuaded that the silk trade would feel fully satisfied with the proposition of government, as expressed in the statement of his right hon. friend. The remission of the duties on the raw silk would considerably increase, he had no doubt, the profits of the trade, without at all injuring the revenue.

Mr. *Davenport* did not see any similarity between the manufacture of cotton and that of silk, on which so much stress had been laid in the opening statement of his right hon. friend. No higher test of sincerity could be given of the real opinion of the silk manufacturers, as to the injury the repeal of the prohibitory system would inflict upon them, than their willingness to give up the proposed remission of the duties, amounting to 450,000*l*., rather than have their present situation disturbed. He begged to recommend to his right hon. friend to extend the interval to another year; such a space of time; to use a phrase borrowed from the trade itself, would allow them to "wind up their bottom."

Mr. *Ellice* observed, that in discussing this question, the committee should recollect, that the experiment proposed was about to be made upon that branch of our manufacture, which was the least competent to bear a rivalry. Indeed, it was admitted by the right hon. gentlemen opposite, that we were inferior to that very nation, with which we were called upon to compete, both in machinery, labour, and the price of labour: in short, that we were, in every ingredient of the manufacture, at a considerable distance behind France. But, it was said, that there would be, in the duties left on the importation of the French silks, a sufficient protection against the smuggler. Now, that was what he denied. The great security against the smuggling these goods lay, not in the chance of capture at sea, but in the power of confiscating them after they had been introduced, and wherever they could be traced. Allow them once to be imported; let them once be permitted to be put in the shops of Dover; and nothing could prevent their circulation through every part of the kingdom. It was from the conviction, that it was impossible to give our manufacture that protection which was essential to its existence, that he opposed the proposition. Besides, the right hon. gentlemen opposite were not consistent with their own principles. They kept up a duty of 7*s*. 6*d*. on the importation of thrown silk, though from that silk the ribbon branch of the trade was made entirely. To enable our manufacturers to compete with France, we should begin with the reduction of that duty. But, though he dreaded the sudden change now, as most likely to be attended with ruin to the silk manufacture, yet he did not doubt that the time would arrive when that manufacture—at all events in the home market—would have no reason to fear any competition with foreigners. Nay, before the opening of the trade, from the progressive improvement in machinery, the probable reduction in taxation, the consequent facility in defraying the price of labour, that such an improvement would be made, as would considerably diminish the dangers of such a change.—Much stress had been laid by the right hon. gentleman at the head of the Board of Trade, on the successful progress of the cotton branch; and thence it had been inferred, that the silk manufacture, under similar circumstances, must make a similar advance. In answer to such inference, he would deny the existence of any analogy. What, he would ask, had given such a successful impetus to the cotton manufacture? Was it not the extraordinary monopoly which a war of twenty-five years duration had given to trade and commerce? Had not, in consequence of that monopoly, the growth of cotton increased considerably both in America and China? Would any man say, that a similar state of things extended such an influence to the silk manufacture? He would not say, though he did not admit it to the extent claimed by the right hon. gentleman, that a very great improvement had not been made within late years, with respect to the use of machinery as applicable to the silk manufacture; but to compare it with the progress which had been made in the cotton trade was preposterous. Now, as to the condition of the manufacturer under the proposed alteration, he could not see why a difference was to be made between him and the merchant. The right hon. gentleman, however, had provided for the one and not for the other. He (Mr. Ellice) would provide for both. He would put a case, and one that he knew to be real—suppose a manufacturer, from the desire of keeping a number of his workmen employed, had manufactured a larger stock of goods than the immediate demand needed—say to the amount of 40 or 50,000*l.*—upon what rule of equity or fair dealing was such a man to be overlooked, while an allowance—a fair allowance, he admitted—was made to the merchant? What justice could there be in levying a fine of 5,000*l.* on the former? It was contended, that such consequences were the common and ordinary effects of alterations in trade and commerce. That he altogether denied. It was no common case. It could not be considered so, when a proposition was made of a reduction of 25 per cent on the raw material. To give to persons thus circumstanced the power to export, the liberty to bond, was no remedy for such a great grievance. The committee should bear in mind the heavy duties which such persons had already paid out of their capital. It was also to be apprehended, as they approached the period of opening the trade, that the masters naturally attentive to their own interests, would make such arrangements as must produce a stagnation in the trade. Such an effect must necessarily interfere with the employment of the operatives in a way that might lead to very disastrous results. Adverting to the great question of free trade, he would say, that the wisest course would have been, to have commenced with the corn laws—those greatest infractions of the principles which the right hon. gentleman had so ably vindicated. If those laws were taken off, and the taxes lightened upon the necessaries of life, England might then indeed be in a condition to enter into that contest for which at present she was incompetent. No question, the time allowed would do a great deal of good. Improvements might be made in our machinery, and in the management of our silk manufacture generally. And, as he looked forward still to the possibility of our beating France in the coarser branches of the trade, he thought that some stipulation should have been made for her taking our coarser silks in return for our permitting the importation of her fine ones.

Mr. *Littleton* confessed, that his opinion on the question had been altered by what had fallen from the right hon. president of the Board of Trade. He thought it would be convenient, however, as a protection against smuggling, that every French piece of silk that was imported should be stamped at the Custom-house.

Mr. *Ellice* put it once more to the right hon. gentleman, whether he would not give some assurance as to the immense manufactured stock on hand. That stock had been accumulated, the greater part of it, merely from a wish to keep the workmen in employ through the winter. The debate would go forth in a far more gratifying shape to the public, if some intimation were given that their just claims would be considered.

Mr. *Whitmore* confessed, that with

every disposition to weigh the arguments of those who opposed the plan of the chancellor of the Exchequer, he had not heard any thing calculated to shake its validity. To talk of reciprocity was itself a great fallacy. A manufacturing country had nothing to look to but its imports; and as we neither grew nor produced gold or silver, the increase of those imports could only arise from the increased sale of our own manufactures. Solicitous as he had ever been for a free trade in corn, he never would admit, because on that article we continued a restrictive policy, that therefore we ought not to adopt a free system with respect to other branches of manufacture.

Mr. *Hume* added his entreaties to those of his friends, that the right hon. gentleman would give some consideration to the grievance which must be suffered by those who had large stocks. He was not hostile to the measure of the chancellor of the Exchequer, but he had spoken with several merchants, who assured him that their losses would not be less than from 7,000*l.* to 10,000*l.* upon their stock. It never could be the object of government to oppress individuals; and the amount of duties, were they to be remitted on goods uncut, could not be felt as any loss by the country.

Colonel *Davies* urged the necessity of remitting the duties paid for stock on hand. If they were willing to allow a drawback on exports for the foreign market, why not also on the goods intended for home consumption?

Mr. *Butterworth* thought that 7*s.* 6*d.*, the duty proposed to be left upon thrown silk, ill-proportioned to the disadvantage which the manufacturers would encounter from the repeal of the prohibitions.

Mr. *Haldimand* said, that there ought certainly to be an allowance for the stock on hand. The trade was generally conducted by highly respectable persons. There could be no difficulty in adjusting the drawback according to the real value. An oath might be administered in doubtful cases. It might be useful for the House to know in what light the French manufacturers looked upon this measure as it regarded their interests. The hon. gentleman then read a letter from a Lyons manufacturer, dated 24th February, in the original. But as there seemed to be some difficulty in the mode of communication, he proceeded to translate a few sentences. The letter imported, that the writer had heard of the intended repeal of the prohibitions, which he attributed to the confidence of the British minister in the state of the home manufacture, admitted to have taken a spring forward since 1814. His correspondent, however, seemed to expect great advantages to the trade of Lyons from the repeal. For his own part, he thought that the period of two years would be a sufficient security against any disadvantages which could be contemplated by those who opposed the measure. He believed, that, in a certain degree, the French and the English manufacturers, in the views they had taken, were both wrong. The measure deserved the support of the House.

Mr. *T. Wilson* thought that there had been so much of good will and such a spirit of conciliation shown by ministers in their endeavours to meet the views of all parties, that it would be best to withdraw any opposition, and trust to their considerate mode of conduct for some relief as to the duties already paid for stock on hand.

Mr. *Philips* urged the necessity of taking off the duties from the dyeing materials.

Mr. Alderman *Heygate* could not conceive what satisfaction the manufacturers were to derive from the postponement of two years and a quarter, which only put the danger off for that time. He trusted, however, that they would use the opportunity for preparing against the consequences, which would surely arrive at the end of that time. For his part, he protested against the proposition of free trade, unless they were prepared [hear, hear!]—he repeated it, he considered free trade, so called, as the greatest curse which could be inflicted on the country—unless they were prepared to go through with it by abolishing the corn laws; and that could not be done without endangering the very existence of the landed interest.

Mr. *Huskisson* wished that he could see his way, in making an allowance for the stock on hand, which he confessed might, in strict equity, be necessary. But he had been informed, that the trade generally thought that the time to be allowed before the carrying of this measure into operation, would secure them from any considerable loss. He would concede thus much, that if upon consideration he could find out some mode of arrangement to meet that part of the subject, he would be most anxious to adopt it, especially if he should also find, that it would produce little or no inconvenience.

Mr. *Ellice*, after the handsome assurance of the right hon. gentleman, that he would give some consideration to the question of duties paid for stock on hand, entreated his hon. friends to withdraw their opposition to the resolution: for, as the measure would then stand, the publishing of it out of doors would do good, and tend to conciliate all parties.

Mr. *Haldimand* advised that there should be no division.

The resolution was then put and carried.

HOUSE OF LORDS.

Tuesday, March 9.

Clerk of Parliament.] The Earl of *Liverpool* rose, pursuant to notice, to move for the appointment of a select committee to inquire into the present state of the office of Clerk of Parliament, and into the best means of hereafter regulating it. It was not his intention, he said, to trouble their lordships with any observations. It would be the object of the committee to inquire into this office, with a view of putting it on a permanent footing. The committee would have some little conflicting interests to attend to, but there was no doubt it would do justice to all parties.

Earl *Grosvenor* observed, that no immediate advantage to the public would arise from this measure; but their lordships must be aware, that a very considerable saving might take place on the decease of the person who now held the office. The noble earl then alluded to the office of Remembrancer of the Exchequer. Notwithstanding the regulation for the abolition of that office, a person had recently been appointed to it.

The Earl of *Liverpool* reminded their lordships, that with respect to the offices of the Exchequer, the law which had been passed for their abolition authorized the Lords of the Treasury to make what regulations they thought necessary in them. This had been done as far as possible in these offices. With regard to the Remembrancer of the Exchequer, it had, been found necessary to put it on a new footing; but before it should be finally regulated, it was the wish of the barons of the Exchequer to ascertain precisely what ought to be done with it, and for that purpose a gentleman had been appointed to execute the necessary duties, but without a salary.

The motion was then agreed to.

Appellate Jurisdiction.] Lord *Calthorpe* said, he would take the opportunity of adverting to a subject in which the interest of the public, and the honour and dignity of their lordships' House were deeply concerned. He alluded to the new arrangement which had been made by their lordships for hearing appeals. This arrangement he had heard complained of within doors, and unsparingly censured out of doors, and not one word any where, either in doors or out of doors, in its favour except that it had promoted the convenience of their lordships. To him it appeared that this arrangement had done much to take from the country that confidence which it had once placed in the appellant jurisdiction of their lordships' House. The first circumstance which, in his opinion, made this measure derogatory to their dignity was, that a commission had issued, naming the highest tribunal of the empire, to try causes in the absence of the highest judge. The whole arrangement was, in his lordship's opinion, a great error; inasmuch as it permitted an inferior judge to sit where only the highest judge of the land had before presided. He was far from saying this with any wish to censure the learned lord who presided in the absence of the noble and learned lord on the woolsack, or in any way to depreciate his merits; but he could not have the high authority of the lord chancellor. The arrangement besides created a great anomaly; which, though a temporary regulation had obviated it with regard to England, was in some measure true with regard to Scotland—the anomaly of bringing the decisions of a superior judge before an inferior judge, by appeal. This was the case with the Scotch courts, the decisions of which were brought for revisal before an individual inferior to the lord president in judicial authority, and which had never before been subjected but to the revision of the authority of the lord high chancellor. The arrangement was, in his opinion, therefore founded on a wrong principle, as far as regarded the presiding judge; and he thought it equally wrong as far as regarded the judicial colleagues of the learned lord who was to preside. Those noble lords were not brought here to attend to the whole of the pleadings, but, according to the regulations, came on certain days, and those regulations went upon the principle, that noble lords would attend only one day. It was optional for noble lords to attend beyond that day, or not. In fact, except on extraordinary occasions, hardly any peers attended, but the two who were ordered. It was true, the regulations of the House did not prohibit their being present; but, if they attended through the whole of a case, it was not owing to the regulations, but to their own choice. Such an arrangement could not but tend to lower the high authority of the House in the eyes of the country; and he thought it worthy of the attention of their lordships to consider if, for the sake of some little convenience, they should run so great a risk. Then, adverting to another subject, his lordship said, it was not only as a judicial, but as a legislative assembly, that he feared their lordships were sinking in the estimation of the public. In the early part of the session, it was plain to all the world, that their lordships, in their legislative capacity, met day after day only to adjourn. The course of business in that House, and the manner of disposing of bills, was not such as to give due legislative consideration to the measures which received the approbation of their lordships. The extraordinary restriction thrown on the power of that House to originate bills, was, he believed, one cause of the impediments to their proceedings. This restriction did not apply to bills only for levying money, but also to bills effecting changes, the advantages of which were universally allowed. These restrictions at present went a great deal further than was warranted by the constitutional jealousy which it might become the other House to entertain. He stated this with less reserve, because he had a high respect for the authority of the other House; but at the same time it did appear to him, that their lordships were seriously aggrieved thereby. But, if at the early part of the session they had nothing to do, at its close the bills came up from the other House in such numbers, that their lordships had no alternative but to accede to or reject them without due examination. The business of legislation was therefore only half done, by that House being deprived of half its power. Other serious evils also arose from this mode of carrying on the public business. The dignity of both Houses of parliament was lowered; and the country at large was proportionably injured. It was perfectly evident, that the members of their lordships' House were deprived of that great advantage, which was one of the most distinguished privileges of all men in a country like this; namely, that of contributing by their exertions, equally with their fellow-citizens, to the public welfare.

The Earl of *Liverpool* thought it necessary to offer a few words on the observations of the noble lord. Though the remarks which had fallen from the noble lord did not apply in any degree to the motion before their lordships, it was of some consequence that the first part of his lordship's speech should not pass without observation. The noble lord had chosen to attack the regulation with regard to appeals, which he had described as having nothing to recommend it but their lordships' convenience. Their lordships did not, however, need to be told, that that regulation was not adopted until after long and deliberate consideration. Complaints were numerous of the number of appeals which were undecided from all parts of the united kingdom, particularly from one part; and to remedy this and to do justice, was the motive for the regulation. It was not adopted from any summary view of the matter, nor out of deference to any individual opinion, but it arose out of the recommendation of a committee appointed by their lordships from both sides of the House; and a committee more divested of passion or prejudice it was not possible to select. There were in it some of the most distinguished members of their lordships' House, and some noble lords intimately connected with that part of the united kingdom from which the greatest number of appeals came. The plan adopted came recommended by that committee, and it was not adopted until after long and anxious consideration. The committee was not closed against any proposition which might originate either with their lordships or with other persons, and the plan which was adopted was the best that could be found to effect the object. The great object proposed to be attained by the regulation was, to do justice to the appellants, who called for the decision of the House on their cases, and more particularly to those of that part of the united kingdom in which the greatest arrear was found. There certainly was some difference of opinion as to the mode proposed in the committee, but there was no difference of opinion as to the necessity of getting rid of the arrear of appeals by some means or other. Their lordships must be aware, that a commission of inquiry into the administration of justice in Scotland was going on. The report of that commission would soon be laid before parliament, and he hoped that, in consequence of its recommendation, measures would be adopted to lessen the number of appeals. But, if their lordships were even certain that the system of administering justice in Scotland was perfect, still it would be necessary to get rid of the existing arrear of appeals. With respect to the discredit into which the noble lord was afraid the judicial authority of the House would be brought, he could not see how that was likely to be the result of an evident wish to do justice. As to the objection taken to the mode of securing the attendance of peers, he conceived it to be of little weight. He must maintain, that whether three lords or thirty were present, the decision which they came to was the decision of the House, and was as complete as if every noble lord was in his place when it was made. By the regulations made for their lordships' government, three peers constituted a House; and, by the regulations of the Commons, forty members must be present before that House was formed. But, was it ever meant by these regulations that the numbers required to be present at the commencement of a sitting must continue until its close, or until the business before them was concluded? There certainly was no obligation of that kind. A limited number was necessary in either House to set the proceedings a-going, and to continue them; but it was not expected that the same individuals should always be present. Though certain lords were summoned to attend on the hearing of appeals, it was not to be supposed that no other noble lords were present. Those to whose judgment, in matters of that kind, the House was accustomed to pay respect were generally in their places. A noble and learned friend of his (lord Redesdale), who was exempted on account of his age, and whose name had not been drawn, nevertheless almost constantly gave his attendance on appeals. In fact, the proceedings in appeals went on precisely as before, every member of the House being at liberty to attend if he pleased: the only difference was, that measures were now taken to secure a House of peers. He hoped for the credit and honour of the House whatever might be thought of the plan abstractedly, that now it was established, their lordships would give it a fair trial.

Lord *Holland* agreed with the noble lord opposite, that the subject had at the time been fairly discussed; still he felt it incumbent on him, after what had fallen from the noble lord, to say a few words. It was true that the plan had not been adopted till after a long consideration; and, although he had not the honour to be a member of that committee which had been so deservedly eulogised by the noble lord, he believed it had fulfilled its functions with great zeal. In justice, however, to himself, and to the noble lord who had first addressed them, he must say, that when he came to consider the plan proposed, it did appear to him the most unparliamentary resolution that had ever, within his recollection, passed that House. It was more directed against the honour and dignity of parliament, than any proceeding adopted in his time. This was the first instance in which the House, acting as the highest tribunal in the country, had declared to the public, that justice was administered here by one man. This was the first time the House had been laid prostrate at the feet of learned lords, and the first time it had been announced, that all the other peers were mere cyphers, attending to make up a House. This was the first time that individual peers were to be regularly called on to discharge a duty which belonged to all. He did not object to the measure on account of any inconvenience to which it might subject noble lords, but he protested against the principle of calling on individual members to discharge the duty which was common to all their lordships. It was pregnant with destruction to them in their united capacity to act on a principle like this. For the measure, too, there seemed to be no other reason than conveniency. It was the *ratio suasoria*, as well as the *ratio justifica*. The more he reflected on this plan, the stronger he felt the desire to censure it. If such a proceeding were neccesary, it should have been a legislative measure, and not a resolution of that House. It was an alteration in the judicature of the country. After reflecting much on the matter, he was persuaded that it would have been better to have made a breach in a principle of the constitution, by making a permanent committee of that House an appellate tribunal for hearing of Scotch appeals, than thus, by a resolution of their own, break through the forms of the House, and thereby forfeiting the respect of the country. It was true that in coming to a decision, they had the benefit of the learning of the noble lord on the woolsack; and it was true that the House would come to no decision without paying a due respect to the opinions of the other learned lords in the House. But he knew of no distinction between learned and unlearned lords; they were all peers in parliament, whether they sat on a woolsack or on a bench; but now, for the first time, this resolution respecting the hearing of appeals informed the public, that there were distinctions among them—that it was not the body of the peers who gave judgment, but other persons who attended and decided for them. He knew it would be said, that it had always been so—that the decisions were formerly given by the law lords who attended—but the difference was very great, when the fact was so distinctly exposed. Every man in the country was now informed of the manner in which this business was managed, and knew perfectly well that one noble lord was summoned to hear an appeal on the Monday, and another noble lord to hear the continuance of the same appeal on the Tuesday. He did not mean to say that any practical injustice was done to the appellants by this regulation; but what he objected to was, the exposure which it created, and which, as a member of that House, in which he had spent a considerable part of his time to make it useful to the country, he could not but deplore. Indeed, he would not now have said what he had stated on this subject, had he not felt it to be his duty to support the observations of the noble lord who had so justly decribed the manner in which the House was lowering itself in the public opinion. The noble earl opposite had stated that this measure was merely a temporary one. He sincerely hoped that it would prove so. He hoped that the result of the commission in Scotland would soon enable their lordships to return to the ancient, regular, and wholesome practice. The commissioners would deserve well of the House and of the country, if they should be the means of correcting the present irregularities in the appellant jurisdiction of the House, and rendering it palatable. As it now stood, its exercise appeared a sort of juggle. One person heard and another decided a cause, or rather the same person both heard and decided, and the others attended merely for form.

The Earl of *Harrowby* said, that the noble lord who had last addressed their lordships had declared, now that the plan was adopted, that he would do what he could to make it palatable to the public, and yet he seemed by his speech anxious only to make it unpalatable. In point of practice, the system which the noble lords opposite condemned worked well; for since the short time it had been established nineteen causes had been disposed of. The only difference made by this regulation was, that the attendance of noble lords was no longer voluntary, which if it displeased those who were obliged to attend, saved the suitors who formerly came to the bar, and found no person to administer justice, a great deal of expense. The noble lord said, it was absurd for a peer to come during the middle of a cause; but this took place before, and would again take place, whether their lordships attended voluntarily or not. As to the observations made by the noble lord who brought on this discussion, of judgments being pronounced by an inferior judge, it was not to be expected that placing a man on the woolsack would inspire him with knowledge; and, though their lordships were accustomed to place high and deserved confidence in the noble and learned lord who had so long sat on the woolsack, it was not therefore a legitimate conclusion, that no other could be confided in. In fact also, it was not a novelty. For during the indisposition of the noble and learned lord, a commission had more than once issued, and causes had been decided there, under the presidency of persons whom the noble lord called inferior judges. [The noble earl addressed the House at much greater length, but we were only able now and then to gather the meaning of a sentence].

The Earl of *Darnley* wished to direct the attention of the House to that part of the noble lord's speech who had first addresssed them, which referred to the proceedings of their lordships in their legislative capacity. He had frequently called the attention of their lordships to this subject, and entreated them to wipe off this stain. Some method, he thought, might be adopted of apportioning the labours of their lordships more equally over the session, so that in the early part of it, they might not meet merely to adjourn, and in the latter part be so hurried, that business was disposed of without examination.

The motion was agreed to.

HOUSE OF COMMONS.

Tuesday, March 9.

Education of Catholic Poor in Ireland—Petition of Catholic Bishops.] Mr. *Grattan* rose to present a petition from the Catholic Bishops and Clergy of Ireland, signed most respectably by men of exemplary piety and learning. They allege, that the funds appropriated by parliament to the Education of the Poor in Ireland amount to a very large sum; but they complain that from the manner they are regulated in their distribution, the practice is at variance with the principles of the roman catholic religion. The indiscriminate use of the Bible in the schools, which is uniformly insisted upon, is what these petitioners allege to be opposed to their doctrine. Their impression was, that as a very great proportion of the Irish poor are catholics, the education of their own poor ought to be under the superintendance of the Catholic clergy; and, consequently, a proportion of the charitable funds at their disposal. These funds, it would be recollected, amounted to 70,000*l.* When, last session, the Protestant charter schools were under consideration, it appeared to be the general feeling, that a very considerable alteration ought to be made. From the year 1800 to 1817, the grants voted by parliament to these schools, amounted to nearly half a million; and yet, with such vast means, the House would learn with surprise, that only 2,000 individuals had been educated in them. But, the great grievance of which the petitioners appeared to complain was, the system under which the Kildare-street Association was managed. The funds of that institution, which had increased from 4,000*l.* per annum, to 7,000*l.* were misappropriated excessively. Schoolmasters, who availed themselves of such a grant, were bound, by a written obligation, to divest themselves of all superintendance and power in the school, and the Protestant minister, as the petitioners allege, possessed the power of regulating the schools; and, in some instances, of ousting the schoolmaster. These subjects were of great importance; and, in the present state of Ireland, he prayed both the House and his majesty's government to weigh well the necessity of considering the condition of the great body of the people, in the application of the funds destined for the education of the people. His right hon. friend (sir J. Newport) had moved for the production of certain returns. When these were before the House, he would move for a committee, to take into consideration the distribution of the funds appropriated to that object; and to that committee it was his intention to have the present petition referred.

Mr. *Goulburn* said, that as there would occur future opportunities for the discussion of the points referred to in the petition, he should at present express his entire dissent from the principle laid down by the petitioners, namely, that a separate fund should be set aside for the education of the Irish catholic poor. Heretofore it was considered by the hon. gentleman who introduced the petition, and by those with whom he generally acted, that the great object of such exertions should be to correct, as far as it was possible, the many causes that led to separation and disunion in Ireland, and to substitute principles of union and conciliation, in their place. On what grounds the new view taken that night by the hon. gentleman was founded, he was at a loss to discover; but he felt that he was fortified by the repeated declarations in that House, that such a system of separation would never be sanctioned. Was it pretended that the Kildare Association refused grants to the catholic schools? No such a charge, he was convinced, could be established. The only restriction in the issue of such grants was, that the Scriptures should be read in such schools without note or comment. That was the only restriction; and it had been sanctioned over and over again by the voice of parliament. Where there were so many points of doctrine on which the protestants and catholics differed, surely it was of importance to fix on one main principle in which all christians agreed. Was it pretended that the catholics of Ireland were unwilling to avail themselves of these grants? The returns gave the answer to such a charge. Let the House look at the state of Ireland before and since the Kildare-street Society was founded, and then they would ascertain the progressive improvement. In place of any indisposition there was the greatest solicitude on the part of the people, even in Munster, where the population was for the most part catholic, to avail themselves of the means of education.

Sir *J. Newport* lamented that this petition had been presented before the whole subject had been investigated by a committee. So long ago as June last, he had moved for a variety of papers, illustrative of the subject. To that motion no return had been made, and on the 9th of last month he had renewed his motion; when it was ordered by the House, that the papers should be furnished forthwith. This neglect in complying with the orders of the House, was extremely culpable. His object, in moving for the papers in the last session was, that they might be ready at the commencement of the present, to be communicated to a committee for the purpose of investigating the whole merits of the case. After an inquiry such as that to which he had alluded, it appeared to him that it might be very practicable to place the subject on a footing satisfactory and conciliatory to both parties; but he deprecated any discussion of the question, until such an inquiry had been completed. The Catholic body complained that they had not any part in the management of the funds in question. The trustees of Maynooth college were of both persuasions; why, therefore, might not the managers of these funds be so too? He trusted that both parties would moderate their temper, allay their prejudices, and approach one another in a way calculated to diffuse the blessings of education throughout the country.

Mr. *Dawson* objected to the form of the petition, and to the Catholic bishops of Ireland considering themselves as a Corporation. With respect to education in Ireland, it was increasing among all classes, Catholic and Protestant. Tracing the operations of the Kildare-street Society, in that respect, he stated, that in 1773 there were in the west and south-west parts of Ireland but eight schools; that in 1816 there were 800; and that now in 1824, there were 1,122. When the subject came to be discussed, it would be proved incontestibly, that of all the institutions of a similar kind in Ireland which had received the assistance of parliament, there was not one so deserving as the Kildare-street Society.

Mr. *J. Smith* concurred in strongly recommending the furtherance of the objects of the Kildare-street Society.

Mr. *Plunkett* observed, that whatever difference of opinion might exist with regard to the form of the petition, all persons must agree in the great respectability of the petitioners, and that their wishes must always be entitled to the utmost attention. On the subject of form, however, he thought his hon. friend behind him mistaken. It was clear to him that the petitioners did not assume any corporate character. They merely called themselves "the undersigned Roman Catholic Bishops." Now, the fact was, that a Catholic bishop in Ireland was as much a bishop as a Protestant bishop. He was a bishop of the Christian Church. He was competent to confer ordination. Nay, were any one of them to conform to the Protestant faith, he would instantly become a bishop of the Protestant church. One word as to the facts of the case. The opinions which had been expressed by the hon. members for Waterford and Midhurst were entirely his own. He entirely agreed also in some of the allegations of the petition. He agreed in the great importance of education, and he agreed in the still greater importance of making religious instruction the basis of all education. Every other notion on the subject was chimerical and impracticable. To make education rest on a moral basis alone, was not only useless but absolutely pernicious. Nothing, however, was, in his opinion, more to be deprecated than the separation of the schools in Ireland. But, if the union of morals and religion was to be converted into an instrument of proselytism, that was another question. How far that had been attempted, would be a fit subject for inquiry; as well as how far it might be practicable to separate the moral from the religious instruction in the same school.

Mr. *Abercromby* observed, that if he were asked whether he approved the system of reading the Bible in these schools without note or comment, he should answer "Yes." Great good had been effected where this was the practice; especially in the south of Ireland. It was extremely perilous, however, to allow the subject to become a matter of public discussion under the present circumstances; and therefore, without, of course, ascribing the slightest blame to the presentation of the petition, he regretted that it had been presented; because, if once they came to debate the subject, or to balance the pretensions of both parties, with whatever calmness such a discussion might be entered upon, very serious differences were likely to arise. Whenever the grant for these schools should come before the House, he would be prepared to give the best opinion he could form on the subject.

Mr. *V. Fitzgerald* also regretted that the subject had been brought before the House, before means had been adopted to acquire the best information respecting it. He denied, however, what had fallen from an hon. gentleman opposite respecting it. He would state what had taken place in two of the counties of Ireland, almost exclusively Catholic; he meant Limerick and Cork. In 1817, the number of schools in these two counties was three. They increased progressively, until last year they amounted to 108. In other parts of Ireland he knew that there had not only been no partiality in the establishment or administration of the schools in question, but that even Catholics did not believe that there was; for within these few days he had received an application from two Catholic priests, soliciting aid for the establishment of schools of a similar nature. Of course they had no suspicion of any design of proselytising their flocks or they would have felt it their duty to resist such establishments. The fact was, however, that many persons were deceived with respect to the objects of the Kildare-street Association. To show the benefits which that association had conferred on Ireland, he would refer to two reports from the commissioners of education in Ireland. The first of those reports showed what was formerly the exclusive study of the lower orders in Ireland who had been taught to read. It stated, that the most productive, but at the same time flagitious articles of traffic, were cheap editions of publications of the vilest nature, calculated to pollute and degrade the minds of the people, instead of tending to their improvement and civilization. They had, in fact, therefore, become more corrupt as they became more instructed, and had degenerated into worse citizens, subjects, and men. By the second of the reports of the commission to which he had alluded, it appeared, that the Kildare-street Society, by printing and circulating cheap works of another character, had, to use their own expression, "completely beaten out of the market" the authors and venders of the infamous publications in question. The number of volumes which the society had disposed of last year, was 121,000; and, during the six years of the existence of the society, the number was 784,000. He felt that the inquiry ought to be full and impartial.

Mr. *Dominick Browne* said, he could not agree with his right hon. friend the member for Waterford, in objecting to the discretion of the Roman Catholic bishops in presenting this petition. He thought it much better that the whole truth should be told relative to Ireland, than that we should be too discreet in our discussions relative to that country. The Roman Catholic bishops, if they thought the education of their communicants should be always combined with religious instruction, were right in declaring their sentiments honestly to parliament. Whether he (Mr. B. agreed with them or not, was of little importance, but he did not think their opinions were at all different from the promoters of the exclusive system in England, called the National System. The Kildare-street Society had certainly done a great deal of good, but not one thousandth part the good they would have done, had they not insisted, as a *sine qua non*, on the Bible being read in every school to which they afforded assistance. The Roman Catholics were equally consistent with the great body of the Church of England, and one of its most distinguished prelates in particular, the bishop of Peterborough, in objecting to the distribution of the Bible without note or comment, and had the same right to accompany it with their interpretation, as the Church of England with their prayer book. He declared it his conviction, that all the difficulties and misfortunes of Ireland arose from the monstrous absurdity of an Episcopal Church, with 5,500,000 communicants existing in Ireland, without any connection with the state. The feuds arising from this cause continually showed themselves, now on the question of education, to-morrow on some other occasion; but, until his majesty should enter into a concordat with the pope, and connect the state with that church, there would never be permanent peace in Ireland.

Mr. Secretary *Peel* expressed his great satisfaction, that on this important question all parties were agreed in principle.

In the education of the poor of Ireland two great rules ought never to be abandoned: first, to unite as far as possible, without violence to individual feelings, the children of protestants and catholics under one common system of education; and secondly, in so doing, studiously and honestly to discard all idea of making proselytes. The society, whose exertions had been referred to, seemed to him to have erred in this latter respect; although it might have begun its labours without any intention of procuring converts. He hoped that elsewhere, as here, no party feelings would be mixed up with the discussion of the subject, and that the example set in that House would be followed out of doors. When the right hon. baronet should bring the question before parliament in greater detail, his object would, no doubt, be to prevent the introduction of topics not necessarily connected with it, and which might give rise to less worthy feelings than the friends of education would wish to see excited.

Mr. *C. Grant* said, he did not mean to express his approbation of the whole of the conduct of the association, whose exertions had been so frequently referred to: he was, notwithstanding, well satisfied that the charge of proselytism was not one that could be fairly brought against it. He contended, that the society had shewn a great degree of liberality in permitting the reading of the scriptures in the Roman catholic version.

The following petition was then brought up and read:—

> "To the Right Honourable and Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled. The Petition of the Undersigned Roman Catholic Bishops, on behalf of themselves and others professing the Roman Catholic religion in Ireland,

"Most humbly sheweth—That your petitioners are charged by the office they hold in the catholic church, to superintend in a special manner the education of the youth of their communion. That from the period when Roman catholics in Ireland were permitted by law to open schools and instruct youth, your petitioners and their predecessors have laboured unceasingly to promote the education of the poor, to check or to correct the abuses which prevailed in their schools, and to prevent persons of immoral or disorderly habits from becoming teachers of youth amongst the rude and simple of their communion. That Roman catholics have not had hitherto any means whereby to prepare school-masters competent to teach, still less are they enabled to remunerate the teachers of the poor, to build convenient school-houses, or to provide them, if built, with those necessaries, without which no improved system of education can be adopted or carried on with success.

"That your petitioners are deeply impressed with the truth, that education, if well regulated, is one of the most efficient means of preparing for the inhabitants of this country a better state of society; that by it their industrious, social, and moral habits would be greatly improved, the laws more respected and better observed, and the government thereby enabled to promote the public interests with greater facility and effect.

"That your petitioners are satisfied that no system of education can produce such results, unless religious instruction be made the basis of it, youth being so liable to error, and so easily seduced by passion, when not enlightened and restrained by the truth and influence of religion. Your petitioners beg leave further most respectfully to submit to your honourable House, that in the Roman catholic church the literary and religious instruction of youth are universally combined, and that no system of education which separates them can be acceptable to the members of her communion. That the religious instruction of youth in catholic schools, is always conveyed by means of catechistical instruction, daily prayer, and the reading of religious books, wherein the gospel morality is explained and inculcated.

"That Roman catholics have ever considered the reading of the sacred scriptures by children as an inadequate means of imparting to them religious instruction; as an usage whereby the word of God is made liable to irreverence, youth exposed to misunderstand its meaning, and thereby not unfrequently to receive, in early life, impressions which may afterwards prove injurious to their own best interests, as well as to those of the society which they are destined to form.

"That when memorialists learned some years past that the legislature had granted a considerable sum of money for the purpose of promoting a well-ordered system of education in Ireland, without religious distinction, they conceived the strongest hope that the money so granted would be partly employed in providing for the education of the Roman catholic poor; and that no regulations of a private or partial kind would be suffered to interfere with the benevolent intentions of the legislature. That such their hopes and expectations have been disappointed—the grant for promoting the education of the poor of Ireland, as well as that for assisting the building of schools, being subjected in their disbursement or application to such regulations or by-laws, as render them nearly useless to the Roman catholic poor.

"That the trustees of the former grant give aid only to schools wherein the sacred scriptures, without note or comment, are read by the children (a regulation which does not accord with the discipline of the Roman catholic church), and the latter grant, as your petitioners are informed, is applied, generally, only to the building of such schools as are leased in trust to the ordinary or minister, or other ecclesiastical person of the established religion in the diocese or parish in which such school is situated, vesting in them, by a special clause, a power of visitation, as well as a right to appoint or to remove the school-master at will. Memorialists further presume humbly to state, that such clause operates to the virtual exclusion of Roman catholics from such schools; the prelates and parochial clergy of the established church not being deemed by Roman catholics fit persons to whose control or superintendance the education of their children should be intrusted. That such schools, moreover, as well as all others, built or partly built at the public expense, are connected with some society, whose rules and regulations are not approved of by Roman catholics. Your petitioners also presume to observe, that the parliamentary grant to the Society for the Suppression of Vice is, as memorialists have heard and believe, partly applied to the building of schools, subject to a like influence, and to the supplying of them with books, tracts, and catechisms, such as Roman catholics cannot conscientiously make use of.

"Your Petitioners, therefore, deem it a duty to inform your honourable House, that the Roman Catholic Poor of Ireland continue unprovided with school-houses, school-masters, or with any such aids as are necessary for promoting amongst them a well-ordered system of education. That the Parliamentary Grants are not made available to the education of the Poor without religious distinction, inasmuch as the Societies, or persons to whom their application has been confided, have subjected the schools built by them, as well as the systems of education promoted by them, to such influence or regulations, as render them generally inaccessible to Roman Catholics. That in all the instances wherein aid is given by the Society for the Education of the Poor of Ireland, to schools under the immediate influence of Roman Catholics, the laws of the Society are evaded, or combined with such regulations for the religious instruction of the children, as are consistent with the discipline of their church.

"That schools, whereof the master professes a religion different from that of his pupils, or from which such religious instruction as the Catholic Church prescribes for youth, is excluded, or in which books or tracts not sanctioned by it are read or commented on, cannot be resorted to by the children of Roman Catholics, and that threats and rewards have been found equally unavailing, as a means of inducing Catholic parents to procure education for their children from such persons, or in such schools. That your Petitioners most humbly suggest to your Honourable House, that any system of education incompatible with the discipline of the Catholic Church, or superintended exclusively by persons professing a religion different from that of the vast majority of the poor of Ireland, cannot possibly be acceptable to the latter, and must in its progress be slow and embarrassed, generating often distrust or discord, as well as a want of that mutual good faith and perfect confidence which should prevail between those who receive benefits, and those who dispense them.

"That your Petitioners are fully satisfied, that if the public money granted by Parliament within the last few years for the building of schools, and for promoting the education of the poor in Ireland, had not been controlled in its expenditure by laws and regulations, such as have been mentioned or alluded to, the diffusion of moral and literary instruction amongst them, and especially in the Western and Southern parts of Ireland, would even now be considerable, and would in a short time pervade the entire population; but that no such result can be reasonably expected, while such by-laws and regulations continue to impede the effects which should follow from the public bounty.—That your Petitioners humbly submit to your Honourable House, whether it might not be more consonant with the paternal views of the Legislature, not to permit jealousies to be fomented, and religious acrimony to be excited, by entrusting the public funds granted for the education of the poor, without religious distinction, exclusively to persons not professing their Creed and to the promoting of a system of education which is opposed to the discipline of their Church.

"That your Petitioners also beg leave most respectfully to observe, that as the Roman Catholics of Ireland are allowed to profess freely their Religion, and as teachers of it are provided for them at the public expense, it would appear consonant to the liberal policy of your Honourable House, to promote education amongst them in a manner consistent with their religious belief. That the Trustees of Maynooth College form a Corporation already known to his Majesty's government, who, it is presumed, have faithfully administered the trust reposed in them; that they possess a peculiar facility of making themselves acquainted with the wants and circumstances of the Irish poor, and would, if intrusted with any Grant for assisting their education, be at once acceptable to them, and intitled to public confidence.

"Your Petitioners, therefore, most humbly and earnestly intreat your Honourable House to take this their prayer into your favourable consideration, and to adopt such measures as may promote the education of the Roman Catholic poor of Ireland in the most effectual manner as to your wisdom shall seem meet. And your Petitioners, as in duty bound, will ever pray:—P. Curtis, D. D. &c.; D. Murray, D. D. &c.; O. Kelly, D. D. &c.; R. Laffan, D. D. &c.; J. Murphy, D. D. &c.; J. Magaurun, D. D. &c.: J. Doyle, D. D. &c.; and K. Marum; D. D. &c."

Ordered to lie on the table.

CATHOLIC CHARITIES.] Sir H. *Parnell* said, he had presented a petition in the last session, from the Catholic Archbishops of Ireland, complaining of restrictions imposed, by the existing laws, upon endowing and building school-houses, hospitals, chapels, and residence for clergymen, by Catholics. He had moved for leave to bring in a Bill to grant the relief required, and the House had acceded to his motion; but he had not proceeded with the bill, in consequence of the late period of the session. During the recess he had communicated with the petitioners upon the object of their petition, and learning from them, that they were still anxious to have a bill brought in this session, he had given the notice which had led to his now addressing the House upon the subject of Catholic Charities; but, since he had given notice of his motion, he had been informed by the Attorney-general for Ireland, that the petitioners had laboured under a misapprehension of the actual state of the law. It appeared, from the communication the Attorney-general had made to him, that a wealthy Catholic lady having left a will with several bequests in it for charitable purposes, the commissioners of charitable bequests had filed a bill in chancery, under the notion that those bequests were for superstitious uses, and ought to be set aside, and applied by them to legal uses. The case was argued last year before the lord chancellor, and in Hilary Term, upon his lordship intimating in court, that he was disposed to consider these bequests as valid and legal, an attempt was made to induce his lordship to order the case to be re-argued. But the Attorney-general, who had not been a party to the preceding argument, interfered, and having declared it to be his decided opinion, upon a full examination of all the papers, that the will was, in every respect according to law, the chancellor made a decree confirming all its bequests. The Attorney-general had assured him that this decree removed all doubts upon the subject; that Catholics in Ireland stood exactly in the same situation as Protestant Dissenters; that they could build and endow schools, chapels, hospitals and residences for their clergy. The motion he had prepared to submit to the House was, for leave to bring in a bill, to give to Catholics the power of granting property to charitable and religious institutions, in the same manner, and to the same extent, as Protestant Dissenters can grant it for these purposes, so that any thing that he had it in contemplation to require, had been effected already by the decree of the Court of Chancery. He had felt it his duty to make this statement, in order to explain to the petitioners how the law and the case stood; and also, to explain to the House, the reasons which induced him to desist from making any motion according to his notice.

Silk Trade.] Mr. *Huskisson* moved the order of the day for receiving the report of the Committee on the Customs' Duties, and expressed a hope that hon. genlemen opposit ewould throw no obstacle in the way of bringing in the bill, as it was desirable that there should be no delay.

Mr. *Baring* said, he did not mean to oppose the bringing up the report. This declaration must not, however, be attributed to any alteration in his opinion, but to that due deference which he felt for the opinion of the House, of which he certainly must say, he never witnessed a more decided expression than on last evening. He was, therefore, bound to presume that he was wrong, and that parliament was right; and that none of those evils would ensue which his apprehensions for the interest of the silk trade had induced him to entertain. He nevertheless trusted, that sufficient time would be allowed for a full examination of the details of the measure.

Mr. *Huskisson* said, he felt much obliged to his hon. friend for the candid manner in which he had stated his intentions with regard to the future progress of the measure. He was not anxious for greater expedition than would be necessary to give all parties concerned the proposed relief at the earliest possible period. It was with this view that he wished the resolution to be now brought up, in order that the bill might be brought in as speedily as might be.

Mr. *Baring* was aware that if these duties were to be taken off, it was important to proceed with their remission as soon as possible; but he thought that much difficulty would be found in dealing with the drawback to be allowed upon the stock on hand. Perhaps the parties would be better satisfied if government proceeded by degrees with this experiment, rather than remit the duty at once.

Mr. *Hume* thought that the principles which had been laid down by every intelligent man connected with trade, who had spoken to this subject, were such as left no doubt of the policy which his majesty's ministers were in this instance pursuing. He could not concur, therefore, with his hon. friend, in considering the measure in question a mere experiment. It proceeded upon such sound principles, that there could be no reasonable doubt of its success. Some difficulties might arise as to the mode of dealing with persons who had stocks on hand; but, surely, there could be no question, whether the duties ought to be remitted at once or by degrees. The general opinion of experienced men was decidedly in favour of their being taken off with the least delay possible. Every man connected with the silk trade would, in that case know what to do, and employ his workmen accordingly. He hoped that the case of the small shopkeepers would meet with due attention. If any parties should be in possession of goods uncut, he would propose that they should return their goods on a certain day, to a particular place; and then let the Excise take a proper account of them. The country would never grudge that proportion of bounty which it would be necessary to return to individuals, to save them from distress and ruin; and, as no private funds would be charged with the expense of these returns of duty, they would of course be borne by the nation.

Mr. *Ellice* said, he was satisfied that government was disposed to settle this question fairly, which would best be done out of doors, without a discussion in that House; and he thought he might safely state, that if justice were done to the parties interested by a return of the bounties on their stock, they would instantly resume their wonted occupations.

Sir *H. Parnell* wished to have it understood, that the proposed arrangement of duties on thrown silk, and foreign silk goods should not be considered as a final settlement of them. The duty of 7*s.* 6*d.* a pound on thrown silk, was particularly objectionable. It was wholly at variance with the principles of free trade, and while it gave a protection to the silk spinner, would operate as a direct tax upon the raw material of the manufacturer, and on the consumer. The duty on goods of 30 per cent would be nothing less than a prohibitory duty: and it was not correct to say, that the intended measure was to make the trade in silk free. Both the duties on thrown silk and goods, in his opinion, ought to be reduced after two years, by degrees, until they were wholly taken off. For until this occurred, the silk manufacture of these countries would not be as perfect or as extensive as it ought to be.

Mr. Alderman *Wood* gave credit to ministers for a desire to meet all the difficulties of this subject; but feared that many would be encountered in dealing with the stocks on hand.

The report was then brought up, and the resolutions were agreed to.

TITHES COMPOSITION BILL.] Mr. *Goulburn* rose, pursuant to notice, to move for leave to bring in a bill to amend the Tithes Composition act of last session. He never had expected that that measure could at once have been rendered so perfect, as to supersede the necessity of future amendment. No one, therefore, could now be surprised that he took the earliest opportunity of submitting to the consideration of the House, such amendments as, in his judgment, the measure required, and which, he trusted, would, in their progress, give to it greater and, ultimately, complete efficacy. At the same time he thought it right to state, that from time to time, it might hereafter be necessary to submit still farther amendments, until at last the moment arrived, when he should be enabled to introduce a measure, which would carry into full effect the object and intention of parliament. The measure of last year had been open to a variety of objections. It was met by two classes of objectors; one of whom was adverse to the entire principle, and the other, though admitting the wisdom of the principle, disagreed with regard to the details. As to those who were altogether opposed to the principle of the measure, he saw no occasion to address himself to them; for parliament had pronounced an opinion, that some measure for the composition of tithes in Ireland was necessary. He had carefully examined all the objections that had been raised against the introduction of the measure; and, after full and mature consideration, he saw no reason to alter his opinion, that the principle of commutation of tithes for a limited time was essentially just: experience had abundantly proved, that the measure in its operation was practicable, and justice on the one hand, and policy on the other, required that he should stand forward, from time to time to submit such alterations as seemed likely to render the measure more perfect. He had now to deal with the second class of objectors; namely, those who admitted the truth of the principle, but disliked the details of the measure. These persons came forward with a disposition to give the subject every fair consideration, and to carry into effect the intentions of parliament, in the manner which to them seemed the most advisable. Perhaps he ought to preface the details which he meant to submit with respect to the proposed measure, by stating the progress which had already been made by the act of the last session. No sooner had that bill passed this House, than it appeared right to the government of Ireland to transmit a copy of it to every parish in the country, and that transmission was accompanied by a brief exposition of its enactments, as it was conjectured, that it would not be very easy to wade through that mass of legislation which the intricacy of the subject had rendered inevitable. From that period up to the middle of the last month, more than a thousand applications had been made from different parishes for special vestries to carry into effect the proposed arrangements; and out of 579 instances, 240 had determined to act under the bill, and 339 had determined to adjourn the future consideration of the subject. An opinion was entertained, that the clergy were the only parties benefitted by the bill, and therefore it was natural to suppose that they would be forward in making the applications; but it would be found on examination, that an equal number of applications had been made on the part of the clergy and the lay impropriators, who seemed each of them sensible of the advantages which the measure held forth, and were ready to admit that parliament had consulted the interests of both. Of the 1,033 applications published in the Gazette, 507 were from the clergy, and 526 either from the lay impropriators, or (with only 23 exceptions) from the landowners of the parish. This clearly showed the advantages which the measure was capable of conferring.—An hon. gentleman seemed anxious to know, at the beginning of the session, by what section of the bill the application for vestries was provided. He was now enabled to state, that almost all the arrangements which had taken place had been effected under that clause in the act which enabled parties in the first instance to agree upon the amount of composition, in preference to leaving it to commissioners to fix the value: and this was exceedingly natural; for there was scarcely any man who would not prefer coming to some distinct understanding with the parties themselves, to leaving the matter in dispute to the arbitrary decision of three persons, whose competency might be doubtful, of one of whom alone he had any knowledge, and who he might not be satisfied was capable of arguing the matter with his brother commissioners. He therefore considered the introduction of the clause as one of great importance. It had been stated erroneously, that a clause at the end of the bill had rendered this provision inoperative. But the most satisfactory answer was this, that out of 500 cases, one half had agreed without a reference or complaint, and, as far as his information had led him to form an opinion, the intentions of the legislature had been carried into effect to a great extent. One great satisfaction arose from the operation of this bill; namely, that it was approved of by those who had suffered most from the oppression of tithes; he meant the lower classes. There was no parish in which the measure had been introduced, where the lower classes did not seem anxious to avail themselves of its benefits; but even where it had not been carried into effect, they invariably seemed to appreciate the liberality of parliament, in affording them the power to obtain relief from what they considered a grievous burthen, and which really did fall with great severity upon them; no matter how moderately or kindly it might be levied.—There was another satisfaction which arose out of this measure. It was the fashion out of doors, which was sometimes re-echoed in that House, to impute to the clergy a desire to grasp at enormous profits, and to wring from their parishioners the utmost farthing. Whenever that subject had been introduced, he had always felt it his duty to state what he believed to be the truth; namely, that, taking the whole clergy of Ireland, from one corner to the other, if their income could be ascertained, it would be found, that considering the extent of their parishes, their revenue was smaller than that of any persons in the empire, who derived an income from similar sources. The operation of this measure completely explained that point; and he trusted the House would excuse him, whilst he stated the rates at which the composition had been effected in different parishes. There were eleven dioceses. He would take the diocese of Cashel, which contained some of the finest and most cultivated land in Ireland, and where it might be expected the rates would be considerable, if there was any disposition on the part of the clergy to extort. Now, in the diocese of Cashel there were five parishes in which the provisions of this measure had been carried into effect. In some, the rate of composition was 2*s*. 3*d*., in some 2*s*. 8*d*. and in some 1*s*. 2*d*., making an average of 2*s*. 1¼*d*. per acre. In the diocese of Clonfert, there were ten parishes in which this measure had been carried into effect. In the first of these the composition was 11*d*. in the second 10*d*., in the third 1*s*., in the fourth 9*d*., and so on; making an average rate of a composition, in lieu of all tithe, of 11*d*. the Irish, and 6*d*. the English acre.

Sir *J. Newport* suggested, across the table, that the mere statement of the rate per acre, without specifying the value of the land, would afford very little information. In some parishes of the diocese of Cashel, the land was very good; but in others it was exceedingly poor.

Mr. *Goulburn* said, that undoubtedly he should have wished to state the value of the land, and he should take the earliest opportunity of obtaining the information. But when they found that in 51 parishes, taken without any selection, except that the first desired to take the benefit of the act, the rate of composition was so extremely small, there was a *prima facie* case in favour of the moderation of the clergy.—He now came to the cases in which the vestries had adjourned, without making any agreement; and it was in reference to these cases that the proposed bill was necessary. When the bill of last session was in progress through the House, considerable difficulty was anticipated, when it was considered that they had to operate with entirely new machinery, and that the inhabitants of the several parishes had, in the first place, to perform certain acts, to form themselves into a vestry, and then to deliberate concerning the welfare of their parish, in a manner in which they were not accustomed. He gave the vestries credit for having discharged the duties of their new situation much more ably than he had contemplated. There was little to change in the manner of proceeding of these vestries, though somewhat in the manner of collecting the materials of which they were composed; not that he intended to change the class of persons who should compose them; but some changes might be made in the manner of forming the lists.—The causes which had induced the vestries to adjourn, without coming to any agreement, had been various. In some cases, there was a misapprehension of the nature and objects of the bill; in others, there were local or temporary objections to an arrangement; in others, there were not the number of persons in the parishes necessary for the formation of special vestries. There were other cases that would be best explained in the bill itself. The house, however, was not to suppose, because in 335 instances the vestries had adjourned without coming to an agreement, that in all those cases there were permanent obstacles to the operation of the act; on the contrary, in many instances, they had adjourned to see the effect of the bill in other parishes; in some instances to meet at a subsequent fixed time, when obstacles actually existing were removed; and there were many instances in which the vestries, after adjournment, had applied for leave to meet again, and in some, having so re-assembled, the bill had been put into effect. There was a fair ground of calculation, therefore, that many of these parishes would also take advantage of the law.—There were, however, two great causes to be assigned for the adjournments. The first was, the indisposition of the proprietors and holders of grass land, to submit to assessment, to make up the sum to be paid to the clergymen in lieu of tithes. Hitherto, it was well known, grass land had been exempt from tithes. It was not therefore to be wondered that the proprietors of that land now felt it to be an evil to contribute to the composition, and that they not only resisted it openly, but exercised all their influence over their fellow-parishioners to prevent indirectly those measures which they could not oppose in fair discussion. He was bound, however, to say, that there were many proprietors of grass land, who, though fully aware of the weight which a composition would throw on them, had exerted their influence to get the bill put into operation, from their sense of the benefits it would confer on the country at large. But there were others who did not possess the liberal feelings of the proprietors of the land, and who in Ireland occupied the place, without filling the blank in society left by the absentee land proprietors. To these, and to the actual tenants of the grass land, there was little inducement to subject themselves to the weight of the assessment. Holding grass land for a limited time, and under a fixed rent, it was not reasonable to expect that this class of persons should be willing to submit to an assessment in lieu of tithes which they did not now pay. Of this class of persons the objections were not easily removed, and it was necessary, with respect to them, to wait the operation of that part of the act which, on the granting of new leases, threw on the landlord the burthen of the tithes.—The other great cause of difficulty was, that the time during which the income of the clergyman was taken, so as to form the basis of the composition, was the seven years from 1814 to 1821. It had been objected, that the time so fixed upon was that during which the value of tithes had been the highest, and that it was not reasonable to bind the parishes to that rate.—He certainly had felt, that this was a matter of extreme difficulty, and indeed the moment at which the bill passed, was the most unfavourable to ascertain the real income of the clergy. During two years before the passing of the bill, the income of the clergy had been reduced almost to nothing, and to fix their incomes according to the rate of those two years would be little less than fraud. It was therefore necessary to take the seven years from 1814 to 1821. It was to be recollected, that in the majority of parishes in Ireland, the tithe had not been raised to anything like its real value during those years: and certainly in the 240 instances in which agreements had been made under the act, there was no complaint from the landlords, that the clergy had taken a higher rate than they thought it just they should pay. He was ready to admit that when the income of the clergyman had been raised to the extent of the real value of the tithe between 1814 and 1821, there was an obstacle to the bringing the act into operation. But, if there was a difficulty to the parishioners, there was a difficulty also to the clergyman; for, as his income was to be measured according to the price of corn in each three of successive years, as compared with the price from 1814 to 1821, it so happened, that, if the clergyman accepted an income which might be reasonable at present, it might at the conclusion of three years be reduced below what was reasonable. For example, suppose the income of a clergyman, from 1814 to 1821 had been 100*l.*, and the price of corn then was 50*s.*, he might be willing to accept 80*l.* a year; but if he did accept it, it would be returned, by the commissioners, in the certificate, thus: Income 80*l.*—price of corn 40*s.* Now, if at the end of three years the average price of corn fell, say to 25*s.* the clergyman's income would be reduced to 40*l.* It was very possible, therefore that the clergyman, who might submit to a present reduction of 20*l.* would not submit to the probability of so great a further reduction. It was his intention, therefore, to introduce some alterations to make the agreements between the parties essentially just. He should propose to allow a voluntary agreement of the parties to settle the income of the clergyman in the following manner—that the price of corn in the seven years from 1814 to 1821 should be the first term of the proportion, the income of the clergyman during those seven years the second term, the price of corn during the seven years preceding the composition the third term, and the income to be received by the clergyman under the composition the fourth term.—In the constitution of the vestries under the present act, as votes were given to the members according to the amount of tithes they paid, three or four persons of the higher order might have the power to impede the wishes of the majority. He proposed in the bill which he wished to bring in, to alter the proportion of votes according to payment. When the composition was made for twenty-one years he intended to propose that the valuation should be made for every seven and not three years, an alteration which would be conducive to the comfort as well of the parishioners as of the clergy. As the act at present stood, every composition made took place on the 1st of November next ensuing. It happened that, after the passing of the act, it was utterly impossible for the parishes to come to any agreement before the first of November, though some concluded their agreements soon after. He should propose, therefore, that, when an agreement was entered into before the 1st of May, it should come into effect at that period, and when after the 1st of May, that it should come into effect on the 1st of November. Another provision of his intended bill was, to meet the cases in which various portions of the tithes were paid to various persons. In the diocese of Elphin, where there was a composition of 8*d.*, it was paid in six different fractions, some small; but as the law stood, they were obliged to pay different collectors. He proposed to enable one to collect for all the owners. There were other minor provisions in the bill, which it was not important now to detail, as there was nothing in them which should induce the House to refuse to give it at least their consideration, and to endeavour to bring about a general composition of the tithes in Ireland, on a footing of good fellowship, harmony, and friendship, between the clergy and the laity. He then moved "for leave to bring in a bill to amend the act of the last session for the composition of tithes in Ireland."

Mr. *Grattan* thought it was premature to talk of amending the act of last session, as they were as yet entirely ignorant of the operation of that act. When they were told that the act had been carried into effect in 250 parishes, he begged to state that it could not yet have been put into operation in any one. The commissioners had indeed, they were told, sent in a number of certificates, but these were merely certificates of the agreement; the rate remained to be assessed on the individual tithe-payers, and to be levied; and until the House saw the operation carried through in some one parish they had no ground of judging as to the merits of the bill. He had taken some trouble with the bill, in its progress through the House, and had subsequently, endeavoured to put it into operation in Ireland; and as what the House wanted was practical knowledge on the subject, he should state what had taken place at two vestries which he had attended. Of the first vestry he had attended he was chosen chairman. His first business, therefore, was, of course, to attempt to explain the object and nature of the bill; but he found this was a hopeless task, for of the whole vestry, which was composed of about twenty persons, there were not two who could understand two lines of it; and this he believed would be found to be the case generally throughout Ireland. He had then resorted to the right hon. gentleman's circular letter, in which they were directed to an admirable clause, which had found its way into the bill by accident. The rector being present the vestry were afraid to say any thing before him, as to the value of the parish. No one would speak, It was then suggested, that the rector should state what sum he would take; but he declined. They had then to bid up to the rector. At first 100*l.* a year was offered, and rejected. The parishioners would make no offer that was accepted, and therefore adjourned. They met again; and the rector moved a series of resolutions which were all negatived, and so the vestry ended. At another vestry he (Mr. G.) was also chosen chairman. The rector then agreed to receive 400*l.* a year, but then came the question, as to the average to be taken every three years. The clergyman adjourned the meeting for a month, and read the act very attentively. He calculated the effect of the averages, and said—"I will agree to take 400*l.* a year; but three years hence, when the new average is taken, I shall lose 75*l.* a year; which I shall not consent to." The clergyman proposed then, that the parish should agree in vestry to pay him 500*l.* a year, he giving a bond to take no more than 400*l.* He (Mr. G.), had doubted the legality of this contrivance; but the clergyman told him he had the sanction of the archbishop and was very anxious for an agreement; but the difficulties were not removed, and that vestry adjourned for six months. In fact, all were ready, clergy and parishioners, to come to an agreement: but as to the bill, it was utterly impossible to act upon it. As to the proposal to take the average for seven instead of three years, it would, he thought, be highly disapproved of, both by the gentry and the clergy. Of the prices for three years a guess might be formed, but not for seven years. He thought it would be better to let the act go on for a few years, to see the effect of it; or at least to leave it open to the parties compounding to agree for seven or for twenty one years.

Mr. *Hume* did not find himself informed by the statement of the right hon. gentleman, of the real nature of the alterations proposed; but he was convinced that by this sort of legislation no good would be done to Ireland. The real remedy for the evil was to break up the Church establishment in Ireland. Nothing else would be effectual [hear! hear!]. The members of the established church in Ireland were but as one out of fourteen, and they made the other thirteen pay for the support of their church. The government would do well to follow the example that had been set them in other countries, and to remove this source of irritation. They might, at any rate, enable the proprietors of land to purchase up the tithes and extinguish them, instead of continuing the system of annual bargains, which was to go on under the proposed bill. The bill of the right hon. gentleman, so far from having succeeded, had entirely failed of its object. The measure was wrong in principle; for he ought to have begun by removing the causes of irritation, and enabling individuals to purchase up their titles. This would have been the right course, instead of coming down, as the right hon. gentleman did, year after year, to patch up a system which was rotten from its foundation. He hoped the House would not allow the bill, he should feel it his duty to oppose the motion for leave to bring in an amended bill, which would only have the effect of heaping legislation on legislation, and compounding that which was already too confused.

Mr. Secretary *Peel* said, that if the present were a motion for the Speaker leaving the chair, for the purpose of going into a committee, there might be some ground for the opposition of the hon. member for Aberdeen; but really there was not the slightest pretence for that opposition, when it was considered, that this was merely a motion for leave to bring in the bill. As to the documents which had been moved for relative to this subject, his right hon. friend was as anxious as the hon. member for Aberdeen could be, that the House should be put in possession of every information, and that those documents should be laid on the table before this measure was discussed. He should feel that he was fighting with a shadow, if he contended for one moment with such an argument as that which had been brought forward by the hon. member for Aberdeen. If his right hon. friend had deferred moving for leave to bring in this bill to a later period of the session, the hon. gentleman opposite would have been one of the first to object to the measure, on the ground of its not having been brought early enough before the House. The present motion would pledge no man to any opinion on the merits of the bill: there would be ample opportunity hereafter for considering its details; and he should be wasting the time of the House, if he said any thing in reply to the opposition which had been made to so fair and reasonable a proposition. With respect to the observations which had fallen from the hon. member for Wicklow, if ever he had heard a speech in favour of a motion, it was the speech of that hon. member; for the hon. member had stated, that he had been chairman at two meetings, at each of which he had been unable to explain to the vestry the object of the bill.

Leave was given to bring in the bill.

Clerk of the Ordnance.] The report of the Committee of Supply was brought up. On the first resolution being read,

Mr. *Calcraft* observed, that the salary of the Clerk of the Ordnance was very inadequate to the labours he had to discharge, and to the rank and station of the individual; for the office was generally filled by a member of parliament. As he had formerly filled the office, he knew that the time of the Clerk of the Ordnance was wholly employed; and he thought the present salary, which was under 1,000*l.* a year, much too low. The offices of Secretary to the Treasury and Admiralty, which were of the same scale as that of the Clerk of the Ordnance, were more amply paid. When he held the office, the salary was double its present amount; and yet he never thought he was paid too much [a laugh]. He did not speak with reference particular individual who might fill the to any office now, or at any future period, but he thought this officer justly entitled to double the salary he at present received. He did not intend to make any motion on the subject, but he trusted ministers would take it into their consideration.

Mr. Secretary *Peel* thought, without any reference to the comparative claims of the secretaries of the Treasury and Admiralty, that this subject was well worthy of the attention of his majesty's government. He was not, of course, prepared to give any assurance on the subject, as such an arrangement did not rest with him personally, but he repeated, that the subject deserved consideration.

Mr. *Hume* trusted that as the right hon. gentleman expressed his readiness to increase the salary of an officer in the Ordnance department, because the duties of the office were too heavy for the salary, he would also be ready to reduce the salaries of some other officers in the same department whose salaries were too heavy for their duties.

Barrack Department.] On the resolution "That 114,531*l.* be granted for defraying the charge of the Ordnance Barrack department,"

Mr. *Hobhouse* observed, that the hon. and gallant officer opposite was mistaken, when he had contended, the other night, that the system of Barracks was recognised by the petition of rights. Complaints were made, indeed, at the period to which the hon. and gallant officer adverted, of the billeting of soldiers, on the people, but there were no such thing as a standing army at that time. The barrack system had long ago been decided against, as a novel and unconstitutional mode of lodging a standing army. That system was calculated, perhaps, to turn out a finer soldier for the parade—a living machine, more likely to pay prompt and implicit obedience to his officers; but he was sure the hon. and gallant officer, who was not less an excellent citizen, than an honourable soldier, did not wish to make a mere automaton of a soldier, or to perpetuate a system which separated the character of the soldier and the citizen. Long before the existence of the barrack system, our soldiers had distinguished themselves by victories, as splendid as any which had since been obtained. The soldier who mixed freely with his countrymen might not make so good a machine for the parade, but he was a better man, and a better citizen. The union of the characters of the soldier and the citizen had been strongly insisted upon by our ablest constitutional writers. The gallant officer had told them the other night, and perhaps he could not be blamed for doing so, when surrounded with such applauders, that the people of England had themselves called for barracks throughout the kingdom. In support of that opinion he had quoted the bill of rights, but the bill of rights only denounced the quartering of soldiers on the people as a grievance. How, then, could the gallant officer, in mirth or in seriousness, as an argument, or as a piece of waggery, interpret such a declaration into a preference of the barrack to the billeting system? If he was anxious to ascertain the feeling of the people of England on the subject, let him look both to the practice of our ancestors, and to the sentiments entertained at the present day; or, rather, let him confess, that the system owed its support to those alone who maintained the necessity of arming one portion of the people against the rest. If there existed no other use in the motion with which he should conclude, it would shew that there was one person in the House at least, and he was of opinion that there were many, who knew the feelings of the people of England better than to coincide with the gallant officer's account of it, and who respected the constitution of the country too well to approve of a system incompatible with its spirit.—The hon. gentleman concluded by moving the following amendment to the resolution:

"That it appears to this House, that since the conclusion of the war in 1815, more than 2,500,000*l.* sterling have been expended in the Barrack department established in Great Britain and Ireland, and that 136,531*l.* are proposed to be devoted to the same object in the current year.

"That it appears to this House, that a part of the sum so required is to be laid out in the construction of a permanent barrack on the site of the King's Mews, at Charing-cross; and that thus, in the heart of the city and liberties of Westminster, another military station, separating the soldier from the citizen, is to be added to the many similar establishments to be found in various parts of the kingdom.

"That this House cannot but view with the utmost jealousy and suspicion, the continuance and increase of a system utterly inconsistent with the ancient laws and usages of England, such as they find them expounded by all the authorities who have treated of the constitution of this country, and more particularly by Mr. Justice Blackstone, who, in his Commentaries on the laws of England, after expressly declaring that the laws and constitution of these kingdoms, know no such state as that of a perpetual standing soldiery; makes use, in a subsequent passage, of the following remarkable words:—'Nothing, then, according to these principles, ought to be more guarded against in a free state, than making the military power, when such a one is necessary to be kept on foot, a body too distinct from the people. Like ours, therefore, it ought only to be enlisted for a short and limited time; the soldiers also should live intermixed with the people; no separate camp—no barracks—no inland fortresses should be allowed; and perhaps it might be still better, if, by dismissing a stated number, and enlisting others, at every renewal of their term, a circulation could be kept up between the army and the people, and the citizen and the soldier be more intimately connected together.'

"That this House partaking, therefore, those free sentiments with the great commentator on the laws of this, their country, and wishing to discourage the military system therein decried, will not vote a larger sum than 90,000*l.* for the barrack department in Great Britain in the current year; and this House further humbly begs leave to urge, that no new barrack for soldiers ought to be erected in the midst or in the vicinity of the metropolis."

Sir *H. Hardinge* said, that with regard to the constitutional question he would take the advice of the hon. gentleman, and avoid it altogether, as it had been sufficiently discussed on a former occasion. He would undertake, however, to shew how the barrack system came to be so generally extended. It was well known, that various petitions had been presented, from time to time, praying for relief from the billeting system, which, at the breaking out of the revolutionary war, was resorted to as an act of necessity. In 1803, when the war broke out again, government deemed it advisable to send troops to the coast, as a means of providing against invasion. It was impossible to provide the troops so employed with quarters at the public-houses in those districts, and various petitions against it were again forwarded to parliament. Accordingly it was determined, in order to relieve the people from the inconvenience of the billeting system, that several barracks should be built within those districts. Government could not, therefore, be charged with having built those barracks in opposition to the liberties of the subject, since they were for the protection of the country, and in compliance with the desire of the people themselves. Besides, the number of these barracks had been greatly diminished since the peace. The hon. gentleman had stated the intention of the government to erect barracks at Charing-cross, as one of his reasons for opposing the vote; but whatever might eventually be done upon that subject, he was not himself apprised of any intention to convert the Kings Mews into barracks for the soldiery. The Board of Ordnance, in fact, had no power to decide the question, though he would confess that, in his opinion, such a change would be attended with great advantage. He would oppose this single fact to all the reasoning of the hon. gentleman—that before the revolutionary war, all the soldiery in London were dispersed in billets about the town, and that their discipline was so far destroyed and their morals so corrupted by the opportunities thus afforded them, that in the years 1791, 1792 and 1793, among the number of public executions, out of every fourteen that were hanged there was one guardsman. Since the establishment of barracks, the case was so far altered, that it was a rare thing to hear of a guardsman being arraigned. It must be obvious to all who consider the subject dispassionately, that the soldiers were not only much more exposed to acquire profligate habits under the billeting system, and to commit outrages when removed from the control of their officers, but were also more likely to relax in their discipline; for when a soldier went to billet he deposited his arms in the armoury, from whence he did not take them again until he was summoned to parade; he had therefore less of the habits of a soldier. Upon the whole, there could be no doubt but that in a large metropolis like London, the establishment of barracks had a tendency to make better soldiers and better men, than the former practice of dispersing them through the metropolis in public houses.

Mr. *Hume* contended that the arguments of the gallant officer were not applicable to the present state of the country. He had described a state of expected invasion but we were now at peace, and consequently exempted from the necessity upon which he had rested his defence of the system. A man did not cease to be a citizen when he became a soldier, and should not be regarded as a mere automaton, to be moved only by the will of his commanding officer. If they wished to keep the soldiers separate from the people, that was no reason why they should multiply barracks through the town. They might remove them from the houses of the people. The sum called for by this grant was monstrous, and the object of it was, to maintain a military despotism. For these reasons he should vote for the amendment of his hon. friend.

The amendment was negatived without a division.

Cattle ill-treatment Bill.] Mr. R. Martin having moved, that the House do resolve itself into a committee on this bill,

Mr. *Hume* said, he had hitherto taken no part against the hon. member's measures, except that of voting against them. He now, however, felt it necessary to say a few words on the subject. By the bill which the hon. member had introduced this session, it was made an offence to overload a horse. Now, how was it possible to ascertain what load was suited to a horse's strength? He had seen a little pony who could carry his noble friend near him (lord Nugent) with the greatest ease. It would be difficult however to find many a large horse that would not find it difficult to do the same thing. He was willing to admit, that the hon. member would have done good, if he had allowed his bill of last session to remain unaltered. He would state why he must doubt the humanity of the hon. member. On a former evening, he (Mr. Hume) had made a motion to prevent the torturing of men, by flogging. As a matter of course he had expected that the hon. member would have given him his vote; but to his great surprise he found, that that hon. member who was so anxious to protect oxen, and who sympathized so much with the sufferings of dogs and cats, did, without the slightest remorse, consign, as far as his vote went, 73,000 British soldiers to the torture of the lash. He would move by way of amendment, "that this House will, upon this day six months, resolve itself into the said committee."

The *Attorney-general* rose to second the amendment. The present bill, he said, appeared to him to be vexatious and every way unnecessary. The definition of the offence in the bill which the hon. member for Galway had introduced last year was the wilful ill-treatment of horses and cattle. He understood, however, that the object of the present bill was to render the ill-treatment of those animals, arising from inadvertence and negligence, a misdemeanour. There was one clause of the bill which, in charity to the framer, he hoped would be withdrawn. He alluded to the clause which authorized any individual to apprehend a person in the act of ill-treating cattle. He knew from the zeal which the hon. member had heretofore displayed in the cause of humanity, that not a week would elapse before he would be forced into some desperate conflict in attempting to enforce the law. He remembered that the hon. member had been extremely anxious to introduce the word "bull" into the bill of last year. After a long discussion, however, the bull was rejected by a large majority. The hon. member, however, contrived to introduce the words "or other cattle," and he had been endeavouring, during the last year, to persuade the magistrates that the bull was included in that description. He supposed it was for the same object that the hon. member had introduced the words "or other cattle" into the present bill. He objected to having the bull introduced thus covertly. The hon. member should take the bull by the horns, and bring it in openly.

Mr. *W. Smith* was convinced that the bill of his hon. friend, ridiculed as it had been, had already conferred great benefit upon the community. He conceived the object of the present bill to be a good one, and was therefore disposed to go into the committee upon it.

Mr. *R. Martin* said, he was not uninformed, that the hon. member for Aberdeen intended to shew him up. He would say further, that the hon. member for Aberdeen would not shew up the honourable man who represented the county of Galway, unless he had the license of the latter for so doing. With respect to bull-baiting the learned attorney-general had his (Mr. M's) two guineas in his pocket, and had given it as his opinion, that a bull was entitled to legal protection.

Dr. *Lushington* considered the present bill to be a necessary adjunct to the act of the last year; the effect of which act was, that the public feeling was no longer shocked with those atrocities which had so long disgraced the national character. Lord Erskine had, years ago, endeavoured without success, to provide that remedy, which it was the happier lot of the hon. member for Galway to effect.

Mr. *Wynn* said, he should oppose the measure for the reasons which had led him to oppose the existing act of the hon. member for Galway.

Mr. *Buxton* said, he should cordially support the motion. He had asked a friend what effect the bill of last year had produced, and the answer was, that it had put an end to half the cruelty which formerly prevailed in the country.

Mr. *Warre* said, it had been stated that the cases which measures of this kind brought before magistrates were in general of so doubtful a character, that it was a chance whether conviction would or would not take place. Now, he denied this to be the fact; for an overwhelming majority of the cases recently prosecuted were of so atrocious a character, that conviction had regularly followed accusation. He should support the motion for the bill going into a committee. The instances of cruelty to animals were numerous. How often were horses, in the last extremity, forced beyond their strength and urged forward by lighted straw being put under them. Would not any man who witnessed such an atrocity feel gratified at being enabled to send such vagabonds before a magistrate?

Mr. Alderman *Bridges* adverted to the shocking barbarities which were every day practised on cattle, and said, that there never was a measure of more humanity than the one now proposed by the hon. member for Galway. He briefly pointed out the evil effects which an habitual practice of tormenting animals, or seeing them tormented, produced on the mind, and illustrated his proposition by an allusion to Hogarth, whose hero, commenced his progress in cruelty with tying a canister to a dog's tail, and ended it by committing murder.

Mr. *Goulburn* objected to the bill, on account of the great disproportion would it would establish between punishment and crime, and in which he saw an attempt to proceed still further in the march of penalty. The bill of last session had, it was said, effected much good; but, because it did not do all that the hon. member contemplated, he now came forward, and called on the House to tolerate a most disproportionate punishment, by making the offence a misdemeanour, at the discretion of the magistrate.

Mr. *G. Bankes* expressed his anxiety to go into a committee, where the House would have an opportunity of examining all the details of the measure. He must object most strongly to the spirit of levity with which the question had been treated, and the sort of *argumentum ad hominem* which had been so frequently resorted to.

Mr. *Huskisson* spoke against the bill. The House, he said, was now required to increase the punishment for this offence, although the hon. member for Galway had shown that this was not necessary. The hon. member had himself stated to the House, that, generally, when he obtained a conviction, he paid the penalty himself, the persons accused being mostly too poor to pay it. This, surely, proved, that the present bill was sufficiently severe.

Mr. *W. Courtenay* objected to going

into the committee. If the act of last year had been duly executed and had been found inadequate, that might have been a good reason for fresh legislation; but as that was not the case, he could not consent to create a new misdemeanour.

The House then divided, when there appeared: For going into the committee 11. Against it 19. There being only thirty members present, the House, of course, adjourned.

HOUSE OF COMMONS.

Wednesday, March 10.

Silk Trade.] Mr. *Ellice* rose to present a petition from the Ribbon-weavers and Silk-manufacturers of Coventry, against the proposed alteration in the laws relative to the Silk Manufacture. The petition had, he said, been in his hands some days, but had not been previously presented, through mistake. He presented it now for the purpose of availing himself of the opportunity of stating, that the leading men in the trade had received an explanation from the Treasury that morning, which gave them the most complete satisfaction. Those of Coventry had already left town with the determination of putting all their people into immediate active employment.

The House having resolved itself into a committee to consider of the Silk Bounties, Mr. Huskisson moved "That one half of the bounties on the exportation of silk manufactures shall be allowed on all such manufactures as having been warehoused, shall be taken out for home consumption within thirty days after the 5th of April 1824."

Mr. *Ellice* repeated, that the deputation of silk manufacturers from the country, who had waited on the chancellor of the Exchequer on this subject, had returned home perfectly satisfied, and had considered themselves very liberally dealt with by his majesty's government. There was to be a meeting of silk manufacturers of the city of London that day, for the purpose of pressing on government, and on parliament, a further extension of time. Knowing what he did of the temper of the House, he had recommended the parties to desist from any such application; lest, should the matter be again brought under consideration, a curtailment, instead of an extension of time, should be the consequence. He thought it was much better to let the matter stand as it was, especially as his majesty's government had certainly done every thing in their power to diminish the inconveniences which might result from the proposed measure.

Mr. *Huskisson* observed, that undoubtedly he did not conceive that any proposition for a further extension of time would be favourably received by the House. In his own opinion, the time which had been granted, was not at all called for; but he had ceded it, in deference to the feelings of the parties interested, and with a view to conciliate, as much as possible, those who thought their interests might suffer by the measure.

Mr. Alderman *Wood* said, that some of the smaller dealers were under apprehension lest their goods must go through the hands of the great manufacturers.

Mr. *Huskisson* replied, that every thing would be done that could be done to facilitate the matter. The goods would be received in parcels, and there would be only such precautions used as were necessary to ascertain that they were really new.

The resolution was agreed to.

Survey and Valuation of Ireland.] Mr. *Spring Rice* said, he rose to move two resolutions; the one declaratory of the expediency and necessity of a new Survey and Valuation of Ireland, the other for the appointment of a select committee on the subject. It would not be necessary for him to detain the House long, as he understood there was no intention to oppose his motion. In fact, when an hon. friend of his gave notice of this motion for him, he was not aware that there was a sum in the estimates for the year to be applied to the very purpose of carrying such a survey into effect. He was glad to find that his majesty's government thought with him on the subject; and, so far would his motion be from interfering with their intentions, that he hoped it would prove in cordial unison with them. It was indispensable that an affair of such magnitude should be first considered in all its details by a select committee of that House.

Mr. *Dawson* expressed his perfect concurrence in the hon. gentleman's views, and his hope that the whole subject would be fully and satisfactorily discussed. For himself, he was particularly interested in it; for he represented a county which had suffered more from the present system than any other in Ireland. He trusted that this would be only the beginning of an amelioration of the evils occasioned by the very large and unequal rates now levied in Ireland by grand jury and parochial assessments. Nothing could be more grossly incorrect and deceptive than the present surveys.

Colonel *Trench* strongly recommended that the new surveys should be made under the direction of the Board of Ordnance. They would then be executed by men of science, and would be uniform and satisfactory.

Sir *J. Newport* expatiated on the evils of the present system, but was of opinion, that if the surveys were executed by the Ordnance, they would take too much time, and when completed would not be sufficient for the required purpose.

Mr. *D. Browne*, as an instance of the inaccuracy of the present surveys, mentioned that a gentleman of the name of M'Farlan had surveyed the county of Mayo, when it was covered with snow.

Mr. *Goulburn* thought an Ordnance survey a necessary preliminary. An accurate map of the country would be an excellent foundation for further proceedings. The committee, however, would be the place in which this and all other matters of detail might be most advantageously discussed.

The resolution was then agreed to.

HOUSE OF LORDS.

Thursday, May 11.

AUSTRIAN LOAN BILL.] On the order of the day for the third reading of this bill,

Lord *Holland* rose to make a few observations on this measure. He said, he was certainly ready to acknowledge, and had already acknowledged, that though the sum received on this transaction was much less than the sum that was due, yet that it was much more than the country, or the humble individual now addressing their lordships, ever expected would be paid by the imperial debtor. He must therefore acknowledge, that much ability appeared to have been employed in bringing this transaction to its present conclusion. There was, probably, also much exercise of good temper in the manner of conducting the negotiation; for as it was to be presumed there was some good feeling in the imperial character, it was doubtless thought advisable not to expose, in plain terms, the nature of the settlement, but to allow the debtor to take credit for some virtue, though he was at a loss what that virtue might be; it was not generosity, and it could hardly be called honesty. He was ready, however, to acquiesce in this bill, and to concur in carrying it into effect; but not in the statements and recital with which it had been passed by the Commons. He did not object so much to the language of the preamble on account of his own opinion, as to preserve the consistency and dignity of parliament. In negociating the convention on which the bill was founded, there might be some reason for concealing the sum due, and stating only that which was paid. He was aware that persons moving in high situations must have a nice sense of honour, or at least were always supposed to have it; but whether they had it or not, from the modes of courts and the servility unfortunately too common in human nature, that quality was always attributed to them. It was therefore to be presumed, that those who managed this transaction did not choose to exhibit it to one of the parties in its true light; but thought it necessary, from motives of delicacy, to disguise, as far as possible, the nature of it from his imperial majesty; whose nice sensibility would doubtless have been greatly affected if he had been told, that he was compounding a debt, instead of honourably discharging it. This might be the excuse for not stating what was really due in the convention; but he saw no reason for the same delicacy in an act of parliament. Great talent must, however, have been displayed by the persons who managed this affair, in persuading his imperial majesty, that his large debt was paid. It was extremely difficult to discover how this persuasion could have been produced, and he had been puzzling himself with conjectures about it. Perhaps those who acted for his imperial majesty had been pursuing a study for which a gentleman on his (lord H's) entrance into life was greatly distinguished. That gentleman, the late Mr. Horne Tooke, had directed his attention to the origin and meaning of words, and to their various applications. In spite of the little that was to be got by the barren nature of the one study, and the sandy foundation of the other, he had carried his etymology into metaphysics, in order to account for the different shades in the sense of words. Now, as it did not appear from the convention with Austria, that a word of doubt had been thrown out as to the sum mentioned being less than it ought to have been—as there was nowhere any specification of the amount due—he could not understand by what kind of logic the emperor had been convinced that the debt was paid. He had, consequently, been, like Mr. Horne Tooke, driven to etymology, in order to discover the meaning which was attached in the imperial court to the verb "to pay." Perhaps the negotiators derived it from the word *pagus*, because it was from districts, or towns, or the people who inhabit them, that all payments come, according to the saying, "*pagorum populi vectigalia premuntur*"; and this was what all who were lavish of the public money, whether emperors or legislators, should well consider and bear in mind. Another word, however, was perhaps the origin of the idea conveyed in the convention. It might come from *pacio* or *paciscor*, because the imperial negotiator considered the matter done and settled, the bargain carried into effect, and completed by the payment. If this would not do, perhaps their lordships would allow that the derivation might be from *pacare*, to make tractable, and also to pacify, satisfy, and appease. Thus his imperial majesty might be taught to say, "It is true I do not pay my debts in full, but I shall give something to pacify and appease those members of the British parliament who have been talking so loudly and so freely of my affairs." Something had accordingly been done to pacify and appease their lordships. A sum, not amounting to one-seventh of what was fairly due, had been transmitted to this country.—He had thus gone through most of the words from which those persons who amused themselves with such studies were likely to account for this new conventional meaning of the word "pay." But he must not forget the word *pecus*; and that brought to his recollection the golden fleece, which had been transferred to his imperial majesty's family from the dukes of Burgundy, and according to which the House of Austria, with reference to this transaction, might still say "Pretium non vile laboris." As much ingenuity had doubtless been exercised by the learned men of Austria, in satisfying any imperial scruples which might have existed as to the meaning of paying one's debts, it was to be hoped that their labours would more reconcile their emperor to learning. He had heard stories of a visit paid some years ago by his imperial majesty to Italy, in the course of which that sovereign was said to have exhibited no great desire to encourage any kind of study. From what was reported, it would appear that his imperial majesty wanted for subjects men who never troubled themselves either with reading or thinking. He sincerely hoped that, the next time his imperial majesty should visit his loyal and learned university of Pavia, he would show that he entertained a grateful sense of the service which some clever scholars had rendered him by so ably glossing over the word "pay." Then, indeed, he might be expected to exclaim—

> "How charming is divine philosophy!
> Not harsh and crabbed, as dull fools suppose,
> But musical as is Apollo's lute,
> And a perpetual feast of nectar'd sweets,
> Where no crude surfeit reigns."

But, let the court of Vienna explain the matter as it might, it was for their lordships to take care that they did not pass a bill which on the face of it, suppressed a fact and contained an absurdity. The preamble recited, that this country had granted two loans to the emperor of Austria, and it was afterwards stated that his imperial majesty would pay 2,500,000*l.* in satisfaction of the debt thus contracted. Now, it might be convenient to give up claiming the full repayment, and to be satisfied and appeased with these 2,500,000*l.*; but why was not the amount of the debt stated? Were their lordships aware of the amount of the sums which this country had expended on Austria? Besides subsidies, the debt in question arose from two loans contracted for, the one in the year 1795, the other in the year 1797. Two reasons were assigned for granting these loans. The first was, that the money afforded facilities for bringing Austria into the field; the second, that good security was given by that power for the repayment; indeed, it was boasted in that House, that the security was as solid as that of the Bank of England. It was triumphantly said, that we could sue the emperor for the money in his own courts. These reasons, and the great advantage of the co-operation of Austria to the common cause, were the grounds urged for this profuse expenditure of the public money. But, what was the result of this extravagance? Part of the money arising from these loans was actually not paid to the emperor of Austria, until after he had made peace, and was in his turn paying money to the enemy of this country. After the treaty of Campo Formio was concluded, remittances of the instalments of these loans were made to Austria. The two loans amounted to more than six millions, and this country was bound for the payment both of principal and interest. Great Britain had guaranteed the payment of certain annuities for twenty-five years, which on the whole amounted to more than 5,000,000*l.*; as to the interest, it appeared that his imperial majesty never paid it for more than one year. These annuities, added to the original debt made about 12,600,000*l.* But we were still bound to pay for a time about 223,000*l.*, which, taken at the present rate of the money market, might be reckoned at other 5 millions. So that, with what was paid and what was lost, the bargain cost the country altogether about 17½ millions. This was the amount, without calculating compound interest, which he might fairly have done. For this vast sum all that was now paid was 2½ millions. Such being the nature of the transaction, he was not surprised that his imperial majesty did not choose to describe it; but he saw no reason why it should not have been fairly recorded by the framers of this bill. He had heard that this extraordinary settlement of an account had somewhere or other been considered as a "God-send." Such a description of the transaction certainly was not very decorous to the emperor of Austria; for it was a plain acknowledgment, that to pay his debts was the last thing expected by those who were the loudest in their approbation of his imperial majesty's sense of honour and justice. He should like to know what would be said of a similar case in the city of London. Were he to go within Temple-bar with a promissory-note for 10,000*l.*, and inquire the character of the person whose signature it bore, would it not be strange if, in answer to his inquiries, some one should launch out in praise of the acceptor, and say—"Oh, there's not an honester man in the world, nor one more able and willing to pay his debts"—and after all were to end with the observation, "if you get 1,000*l.* from him, for your note, it will be a God-send."—It had seemed necessary for him to say thus much, to dissipate the delusion which prevailed, and to make it be kept in mind, that the money received was really nothing more than a small composition for a large debt. These 2,500,000*l.* seemed, however, to be received by certain persons, as if a shower of gold had descended upon them. They seemed at a loss what to do with it, and looked anxiously about for objects to expend it upon. "How shall we lay it out? Does the Church want any thing? Does the Crown want any thing?" were the exclamations which this God-send excited. Now, if their lordships' House, or the other House of parliament, thought fit to give the public money to the building of palaces or churches—and, by-the-by, it was remarkable that the church of England, which was one of the richest churches in Europe, was the only one he ever heard of that never did any thing for itself—he did not mean to say that such an application of money might not be right; that was a question for consideration; but certainly, the reason of its being right was not the receipt of this money from the emperor of Austria, though the whole manner in which the subject had been treated tended to impress that opinion on the public. The people of England, like the fleece of Gideon, received none of the dew which was falling around them. A commission had been appointed for regulating the repairs of Windsor Palace. To this he seriously objected. Whatever was thought necessary to be done in that way, ought to be done under the direction of the legal and official servants of the crown, on their responsibility. He said this solely from a just constitutional jealousy. Those who had promoted this measure—among whom were many persons whom he respected—would not suppose that he reflected on the appointment of this committee on any other ground, than that he considered it derogatory to the Crown. It was derogatory to the Crown; because the constitution always supposed that it was left to the constitutional officers of the Crown to determine what money ought to be expended on such objects. It might be said, that the object of the commission was to take care that nothing unsuitable to the honour of the country should be done. That, however, was a reason which was not very complimentary to the Crown. But even viewed in that way, he could not look at the institution of a committee of taste as the best means of attaining such an object. In the affairs of government he was willing to go as far as most people—indeed, many of his friends thought he went too far in support of the maxim that "in the multitude of counsellors there is wisdom." But, in affairs of taste as well as of war, he was convinced that the direction ought to be left to one individual; because, as the former required promptness of execution, so did the latter simplicity of design; and these advantages could only be obtained by trusting to individuals. He need not go far from their lordships' House to find many instances, which might prove that committees of taste, though composed of men of great eminence in various departments, never produced any thing that did honour to the country. It was not, however, on this ground that he objected to the commission, but because its appointment was an invasion of the constitution. If any thing more important than another had been gained to this country by the Revolution, it was the necessity under which the servants of the Crown were placed, of having the confidence of parliament. He was therefore against lessening their responsibility. It was necessary that they should always keep in mind, that the servants of the Crown must have the confidence of the Crown; but that could not be separated from the confidence of both Houses of Parliament. He did not mean to say, that the evil to which this measure tended was desired. It was not done, he believed, from design, but arose out of that convenience of the moment, upon which the noble earl the other night excused another measure. Their lordships ought, however, to be on their guard against the tendency of thus yielding to the convenience of the moment. He should therefore move, that this bill be re-committed, with the intention of altering the preamble.

The Earl of *Liverpool* was free to acknowledge, that the noble lord had been very entertaining in the first part of his speech. After attending, however, to it very closely, he could not clearly discover what the noble lord's object was. When the noble lord gave notice of his intention to call the consideration of the House to this bill, it appeared that he had in view to object to the phraseology of it, as not sufficiently describing what was meant to be enacted. Now no person could suppose that it would be proper to draw up such a bill as the present, in a very offensive manner to one of the parties. But, what more could be done than to refer to the transaction as it took place? The fact was, that a loan had been granted to Austria, and this country had accepted a sum in lieu of the whole demand. The real object of the noble lord appeared to be rather to read the House a lecture on the Austrian government, than to make any amendment on the bill. Had this been done fairly, he should not have thought it objectionable; but the noble lord had acted like a counsel stating a case, and had brought forward every thing unfavourable to the side he opposed, carefully keeping in the back ground every thing tending to the honour of the Austrian government. The noble lord had argued, that this money had been granted to the emperor of Austria, without any necessity—as if no wars had intervened, between the time at which it was advanced, and the time of payment; and as if no good reason could be assigned for letting it lie over for five-and-twenty years. He appealed to their lordships whether any person listening to the noble lord's speech would not consider this to be the nature of the transaction? The whole question, however, at the time the loan was granted, was, whether it would be better to give Austria six millions in that way or as a subsidy? Many persons thought it would have been better to have granted it as a subsidy than as a loan; and certainly at the time the transaction was carried into effect, there was no individual who voted for the loan who would not have voted for giving the money as a subsidy. It was true, as the noble lord said, that some of the instalments had been remitted after the peace of Campo Formio; but after that peace, Austria had been engaged in no less than four wars; namely, the war which terminated with the battles of Marengo and Hohenlinden; the war which terminated with the battle of Austerlitz; the war which terminated with the battle of Wagram; and the war which terminated with the battle which brought the affairs of Europe into the state in which they were now placed. He believed that no public man, who had examined the transactions of those times, could fail to be convinced, that Austria had in all those wars, fought to the last—that she had never yielded but from necessity, and was always ready to rise again, against the common enemy. Under such circumstances, it became this government to consider what was due to Austria. He had already stated, that there had been four wars since the loan was granted. During those wars three subsidies had been granted to Austria; and, in granting those subsidies, not a word had been said on the subject of this loan. When the friends of the noble lord were in office, they themselves offered a subsidy to Austria, if she would march and co-operate with Prussia. He certainly did not blame them for this; but he wished to remind the noble lord, that in making that offer, no idea of repayment of the loan was suggested. Austria did not march; but notwithstanding her refusal, some charges which the Austrian government had incurred were paid by the noble lord's friends; and in liquidating those charges they never once reminded Austria of the existence of this loan. The present government, however, did call upon Austria to settle this transaction; but he certainly was not sanguine as to the amount which might be received. At the same time such was his sense of the policy which ought to be followed by the Austrian government, that he would have advised the payment of something. Many persons, well informed on the subject, were perfectly convinced that nothing had more tended to raise the credit of that government than this very measure, and he was convinced that Austria had gained more than she had lost by this payment. When all the circumstances were taken into consideration, any reasonable person would rather be inclined to doubt whether we were justified in asking so much, than whether we ought to have demanded more. With regard to the personal character of the emperor of Austria he should be wanting in duty if he were not to say, that no sovereign ever sat on a throne who possessed nicer or more honourable feelings. He doubtless was desirous to bring the transaction to an adjustment; but whatever misconception might have gone abroad, he must also say, that the individual by whom his Imperial majesty was supposed to be chiefly advised, was also convinced of the necessity of making the arrangement. His noble friend had alluded to what had passed elsewhere on the subject of this loan. when a right hon. friend of his had stated the manner in which he proposed to provide for certain public services. In opening the state of the finances for the year, his right hon. friend had referred to the receipt of 2,500,000*l.* from Austria, and had stated, that government would be enabled—not in consequence of that payment alone, but by it and the existence of a surplus revenue—to afford some relief to the country, and to apply a portion to certain other purposes. The objects to which the application was proposed to be made were those which appeared most necessary. He should say nothing about the 500,000*l.* proposed to be granted for churches. After what had been said on a former occasion on that subject, it could not now be necessary to discuss it. The other appropriation which had been alluded to was equally unobjectionable. It was, for the preservation and the ornament of a structure which was venerated in this country, and had been admired by all foreigners who had had the opportunity of viewing it. The receipt of the money from Austria had given facility to the arrangements which the government had in view; but the specific sum which had been proposed to be applied to the building of churches, and to the repairs of Windsor Castle, would have been so applied, although the money had never been paid by Austria. He therefore could not think that the observations of his noble friend were at all warranted. It was not a new palace which was to be built, but certain necessary alterations to be made in a structure which was the object of general admiration. Funds must have been found for carrying on the works; for the repairs could not have been longer delayed. As to the bill, he saw no ambiguity in it; and with regard to the sum expressed in it, the country had received as much from Austria as it had any just reason to expect.

Lord *King* objected strongly to the preamble of the bill, since it did not mention the sum received from Austria as being the payment of a debt. Without such an acknowledgment in direct terms, the clause in the preamble was unintelligible. Nobody could certainly deny, that we had advanced money to the government of Austria under a promise of repayment, and that this was our only return. What else was necessary to constitute a debt? It had been said, that our money had been expended in wars; but, for whose advantage were those wars carried on? For the advantage of the emperor of Austria. It was true the emperor had not succeeded in those wars: but that was not our fault. It however showed, that the emperor had then made the same kind of miscalculation respecting the difficulties of the contest and the probabilities of success, which he had since made respecting the amount of his obligations to this country and the sum necessary for fulfilling them. Had the transaction between the emperor and this country been placed on its proper footing, either in the preamble of the bill or in the statements of the minister, much of what was now said against the Austrian government might have been spared. People would not probably in that case have been so malicious as to have talked of those two millions and a half, as being a saving out of a bankrupt's property, as a composition with an insolvent, as half-a-crown in the pound wrung from an unwilling or dishonest debtor: nor would the ministers have insulted the emperor, by pretending surprise, that he should pay his debts, and calling that payment a "God-send." In order to shew that the preamble might have been more precise, and have denominated this money as the payment of a debt, he begged to call the attention of their lordships to the transactions out of which the debt arose. The minister of the day, Mr. Pitt, had called upon parliament to lend this money to the government of Austria, on what he termed good security, the very best security. A regular contract was entered into, the deed was signed, sealed, and delivered. Mr. Pitt had boasted of the certainty which it gave us of recovering our due; he even went the length of saying, that if the emperor refused to pay us voluntarily, we could sue him, like a reluctant debtor, in his own courts. Now, here he would beg leave to ask, whether the minister had stated this last security from excess of caution, or for the purposes of delusion? This appeared to him a very proper question to be solved by the Pitt club, and he should expect to see it answered at its next meeting. Some persons were disposed to put the latter interpretation on the words of the minister; while others had considered the money transaction mentioned in the bill before the House as the result of a legal proceeding, or the proceeds arising out of the sale of a bankrupt's estate. God forbid that he should so consider it. God forbid that he should insinuate any thing against the honour of his Imperial majesty, or even hint a suspicion that the emperor had not paid his just debts! As our power to sue him in his own courts had been so broadly stated, he (lord K.) had a right to assume that our rulers had done so, that the suit had been carried on for the last twenty years, and that, as it happened nearer home, a great part of the contested property had been swallowed up in fees of court and other law expenses [a laugh]. The great cause of "Rex *v.* Emperor," involving so vast an interest, must have been heard and re-heard—It must have been considered and re-considered—it must have been argued and re-argued, before the Austrian great judge of equity. The court must have taken home the papers; and then the court must have lost the papers; and then the court must have required to have its memory refreshed, and to be supplied with new papers. The lawyers also must have had refreshers. The court afterwards must have fixed a day for judgment, and that day having arrived, the court must not have given judgment; and then the court, under a solemn promise to give judgment, must have fixed upon another day; and when that other day came, the court must have had a doubt, and have postponed its decision to another day; and when that other day arrived, the court must have required again to be refreshed. At last, when the law and the lawyers had had their full swing, and twenty years had been spent in forwarding the cause, the court must have pronounced its decree, by which the emperor was ordered to pay the account of 2,500,000*l.*, while we paid by far the greater sum to the lawyers, and for the bill of costs [a laugh]. We had thus obtained only 2,500,000*l.* out of six millions which was the original loan, and we had lost all the interest, which in the course of twenty years had swelled the debt to twenty millions; but we could not very much complain, when we considered what might have happened nearer home, namely, that we might have lost not only the original principal sum of six millions, but might have expended, in an attempt to recover it, the other two and a half millions, which we were now enabled to pocket. With the proceeds of this successful suit at Vienna, ministers would be enabled to repeal our law taxes—to give us law cheaper at home. Another consequence, probably, of this expensive litigation with the emperor was, a bill to diminish the expenses of law proceedings for the recovery of small debts. Government had found it so difficult to recover this debt from Austria, that it was willing to facilitate the recovery of other debts.

Then, from the experience of the evils of delay in our suit with the emperor, ministers had seen the propriety of instituting inquiry into the causes of delay in the court of chancery [a laugh]. All these beneficial consequences, he was glad to perceive, had resulted from the termination of this long-protracted suit at Vienna. Now, he thought ministers ought to have inserted a proper description of these transactions, and an avowal of the debt, in the preamble to the bill before the House.

The Earl of *Aberdeen* said, that in rising to make a few observations on the question, he would refrain from noticing the speech of the noble lord who spoke last, which, was of too facetious a nature to require an answer. He was however prepared to defend the court of Vienna from any imputation of bad faith or dishonest feeling in the present transaction. The loan for which we were now paid the 2,500,000*l.* was advanced to Austria for the accomplishment of objects particularly connected with the interests and policy of Great Britain. It was peculiarly a British object at that time to drive the French out of the Netherlands; and to enable Austria to effect this, an advance of money was necessary. Mr. Fox had said at the time, that, so little did he expect its repayment, he would have preferred a subsidy to a loan. It was so peculiarly destined to enable Austria to recover possession of the Netherlands, that its repayment, was fixed on the Belgic revenues. Had the enterprise succeeded, which this money was intended to promote, there could be little doubt that the loan would have been punctually paid. That it was rather intended as a subsidy than a loan, was evident from the fact, that we had thrice subsidized the Austrian government since, and had never alluded to this debt. In 1805, in 1809, and in 1813, when Austria received pecuniary aid from this country, no mention was made of any obligation under which she previously laid. Had the subject been mentioned, and had Austria, anticipating a future claim, requested at any of these epochs that this debt should be annulled, could any noble lord believe that the demand would have been resisted? Austria had therefore a right to be surprised at the renewal of this claim. In 1816, when, after having passed what was called two successive bankruptcies, the Austrian government determined to adopt a new financial system, it published a list of all its debts and property. In this list the debt to Great Britain did not appear. On seeing this list, we were bound to mention so important an omission, if we had meant to make a future claim. But we took no such step. What surprise must not Austria have felt, therefore, when after this she saw the claim revived. Much had been said about suing the emperor in his own courts, and if he had been so sued, probably his courts would have decided against him; but he much doubted, after twenty years silence, with so many opportunities of making the claim, whether our own courts would have given a decision against him. The amount of the sum advanced in lieu of all claims had been the subject of animadversion; but that amount was not so much a question of will, as of ability. Had Great Britain demanded more, she would have obtained nothing. Yet the sum, small as it was, compared with the nominal amount of the debt, was nearly as much as Austria had received. Though the loan was about six millions, yet, from the state of the exchanges, and the difficulties of transfer, not much more than three millions had reached the coffers of Austria. The money was so far advanced for British interests, that it was stipulated to be expended under the inspection of British officers. Officers had accordingly been appointed for the purpose, and there was no doubt that every farthing of it had been employed to forward operations which fell in with the policy of our own government. He was glad that his noble friend (the earl of Liverpool) had not only done justice to the character of the emperor of Austria, in this transaction, but to that of his minister prince Metternich. With regard to the emperor, he would say, that a more virtuous prince never sat on the throne of any country; but still he would add, that contrary to the advice of his chief minister, he would not have urged the repayment of this sum. The noble earl then expressed his approbation of the objects for which a part of this sum was to be employed; namely, the building of churches, the creation of a picture gallery, and the repairs of Windsor Castle.

Lord *Clifden* observed, that part of the money which we lent to the emperor of Austria had found its way into the pockets of Napoleon. The fashion seemed now to be to compliment the emperor of Austria; but if he was to credit the account which Mr. Rose had given of the present state of Italy, a more detestable tyrant never existed than the emperor appeared to be in that part of his dominions. Yet this account had come from no jacobin or radical, but from a gentleman whose character gave weight to his testimony on such a subject. His government of Italy had been excessively cruel. He had ground down that unfortunate country to the very dust; and, as he had ruined it, it was not improbable that from Italy would ultimately proceed the destruction of himself and his race.

Lord *Ellenborough* said, he thought the emperor an absolute angel, compared with the rest of the Holy Alliance. He was the only member of that alliance on whom we could place confidence. Adverting to the commission to be appointed to superintend the expenditure of the money to be granted for public buildings, the noble lord asked if it was to be a parliamentary commission, or one appointed by the Crown?

The Earl of *Liverpool* said, that the duties of the commission might be settled by parliament, and the names be filled up by the Crown.

Lord *Ellenborough* hoped the commissioners would be named by act of parliament. He was glad to see an increasing jealousy directed towards the expenditure of parliamentary grants.

The bill was read a third time, and passed.

HOUSE OF COMMONS.

Thursday, March 11.

RIBBON MEN AND RIBBON LODGES.] Lord *Althorp* rose to submit to the House the motion of which he had given notice. If he succeeded in the attainment of his object, it would, he said, enable the House to determine what measures would be the most likely to restore quiet to that disturbed country. It would be recollected that the tumult which prevailed in 1820 had broke out in Galway, and had speedily extended itself through Mayo. The disturbances were attributable to what was called the system of Ribbon-men. They ran so high, that an hon. friend of his, the member for Galway, had found it necessary to move himself for the renewal of the insurrection act, and that the powers of the act should be extended to that county. The consequences were, numerous trials and convictions, with some executions. Shortly after, proclamation was made by the principal police magistrate, offering an amnesty to the Ribbon-men, on condition of their taking the oath of allegiance, renouncing their secret associations, and delivering up their arms. A great many accepted the conditions, and since that time these counties had been remarkably tranquil; so much so, that the orderly conduct of the inhabitants had been much praised by the government of Ireland. He would therefore move, in the first place, for copies of the proclamation, and of every other document by which the arrangement had been effected. In November, 1822, the attorney-general of Ireland instituted prosecutions against some persons for administering illegal oaths to the Ribbon-men. Two were convicted, and remained in prison under sentence of transportation. A Mr. Bennett, counsel for one of the prisoners, informed Mr. Gregory, under-secretary to the lord lieutenant that he had communications of considerable importance to make upon the system of Ribbon-men, and requesting an interview thereupon. The letter was received by Mr. Gregory, who answered by another, dated Feb. 20, requesting Mr. Bennett to put his communications into writing. He did so, and he stated that the Ribbon-leaders of Meath, Westmeath, and Tipperary, were all ready to take the oaths of allegiance, renounce the societies, and give up their arms, on condition of government extending the amnesty to them. Receiving no instructions from the secretary, Mr. Bennett pressed for an answer which Mr. Gregory assured him he should have on the arrival of the lord lieutenant. In the mean time, a communication was made to the government by Mr. Lubie and Mr. Yore, two respectable priests, stating that it would be advantageous to the government to stay execution of the sentence on Thomas Hughes, one of the persons convicted; and that by giving time, they would be enabled to get at the secrets of the Ribbon-men though the examination of Hughes. No answer was returned to the letter, and Hughes was shortly after transported. In July following, Mr. Gregory was reminded by Mr. Bennett of what had taken place in February before; to which Mr. Gregory replied that he had no directions upon the subject from the lord lieutenant. Now, he (lord Althorp) was perfectly at a loss to account for the conduct of the Irish government in the affair. It appeared to officers of the Crown, concerned in a dangerous and an illegal association. It was scarcely possible for the House to imagine the full extent of the danger, and the mischief, which a person in so humble a situation as Hughes had the power to effect. He had endeavoured to succeed with the lower classes in the city of Dublin, and in various parts of the country, in undermining their principles, their morals, their virtue, and their religion; to bind them by secret oaths to undefined objects, but tending to one certain point—the overthrow of the constitution, and the separation of the two countries. Such schemes were chimerical and wild and hopeless; but they were not the less illegal, nor the less necessary to be checked. Hughes was put upon his trial, and a verdict, upon the clearest evidence, was found against him. After that proceeding an effort was made by him to escape the justice of the country: an application was made to the lord lieutenant, resting on no accredited mission, and coming merely from the counsel for the prisoner. It was, it would seem, expected that the lord lieutenant would enter into a treaty with a band of conspirators, which that counsel represented. The learned gentleman had fortunately failed in establishing his credentials. For if he had not so failed, instead of the government granting an amnesty, they would have had to have taken a proceeding of a very different nature. He did not mean to speak disrespectfully of the learned gentleman, or of the bar, of which he was himself a member; but he would venture to say, that there was no mode of application to government more vague or suspicious, than that made through the counsel concerned for the prisoners. The government of Ireland had already suffered very great inconvenience in consequence of having entered into a negotiation with that gentleman, in the case of a person who had been tried and convicted. He did not mean to say that there had been any misconduct on the part of that learned gentleman in the course taken by him in the case just alluded to; but he repeated, that much inconvenience had been felt by government, in consequence of having entered into a negotiation with him. The House would observe, that the documents asked for were not exclusively in the possession of the government. The noble lord who had made the motion, was well acquainted with that correspondence. He could have wished that, being so in possession of them, the noble lord had stated the contents of them more in detail. If the noble lord had gone into a particular statement of the overtures that had been made, it would not, he apprehended, appear that the proposal made was unconditional. The persons who formed the association, were bound for illegal purposes by a secret oath. Now, if they wished to abandon the association, what was to prevent them from doing so? and what necessity was there for any stipulation with government? If they had arms, what could prevent them from giving up those arms? He would suppose that pardoning Hughes was not a condition, although the fact was otherwise; but he would suppose the case to be so—what other condition was annexed to the proposition? Why this: "If you," said the ribbon-men, "grant a general amnesty—if you undertake not to prosecute us—certain persons amongst us will not continue members of the association." In other words, "if you do not agree not to prosecute us, we will continue the association." If the government of Ireland had listened to such a proposal, they would have deserved to be laughed at—to be covered with eternal ridicule. Who were the parties? On the one side was the government—on the other the criminals. Where was the bonus? What was the consideration?—"If you," said the criminals to the government, "do not agree not to prosecute us, we will continue our illegal courses; we have been going on for months; we are avowedly an illegal association; our leaders and ourselves have been guilty persons, and therefore we will treat unconditionally with you, the government." Was the government to be bearded in that manner? Was a proposition of that nature to be listened to? If the government had entertained it, they would have disrobed themselves at once of power and character—they would have rendered themselves pusillanimous in the eyes of the bad—they would have forfeited the respect and confidence of the well disposed. It had been said, that the government, in not treating with these persons, had departed from the course which they ought to have pursued. If no condition were annexed, why was the application made? If the parties were anxious to take the oath of allegiance what necessity was there for any stipulation on the subject with government? The very fact of making the application at all went to shew, that it contained conditions and qualifications. There was another circumstance: part of the system of the Ribbon-men was to get arms in their possession. He did not believe that they had been able to succeed in that object to any extent; some arms, however, they had got into their possession; but no proposition whatever was made to give up those arms. If any such offer had been made, it was certainly retracted, no arms whatever were given up, nor were oaths of allegiance taken. He agreed with his hon. and learned friend that no illegal associations of any description ought to be countenanced,—that every association that was against the law ought to be punished. It could be no excuse for the Ribbon-men, or for any other description of persons, to say that they combined for an illegal purpose, because they were exposed to the violence and insult of counter-associations, because against such aggressions there was no other defence than the law of the land. He deprecated as much as any man the Orange Association; but, resistance to the law must be met by the law, and not by lawlessness. Whether Ribbon-men or Orange-men, if associations were opposed to the law, by the law they must be put down—by the bold, the fearless, the honest exercise of that power with which the constitution had entrusted the government of Ireland. He was sure there was not within the walls of the House one individual with the feelings of a gentleman and a man of honour, who would wish to humble the officers of the Crown for endeavouring honestly to discharge their difficult duties. If the House saw that there was any rational ground for an inquiry into the conduct of government, he would be the last man to oppose it; but, feeling as he did that it would not tend to that object, he must vote against the motion.

Mr. *R. Martin* said, that a proclamation of amnesty was distributed in his county, at the Catholic chapels by the Catholic clergymen. He could not agree to the motion, because he did not see that it would be productive of any good. Even taking the statement of the noble lord for granted, there was no ground for laying the correspondence on the table.

Lord *Althorp* rose to reply. He said, that a copy of the correspondence in question had certainly been put into his hands. In that correspondence he saw no condition, no qualification whatever; he saw, indeed, a distinct offer to give up arms. The right hon. and learned gentleman had said, that if there were no qualifications annexed to the proposal, it was not necessary to make any proposition. Did he mean to say, that the people, finding that, in the eye of the law, they stood guilty of felony, did not stand in need of the protection of government? He would now proceed to read the Correspondence which he held in his hand, and he would leave it to the House to form a judgment upon it. The first letter was written by Mr. R. N. Bennett on the 18th of February 1823, to W. Gregory, esq. and was as follows:

"Sir; I have a communication to make for the information of his excellency the lord lieutenant, relative to the illegal society of persons styling themselves Ribbon-men, of the county and city of Dublin. Do me the honour to acquaint me when and to whom this communication is to be made I have &c.

"R. N. BENNETT."

The next document was a letter, dated Dublin Castle, the 20th of February, 1823, written by Mr. Gregory, in answer to the foregoing; and was as follows:

"Sir; I have to acknowledge the receipt of your letter of the 18th instant, which has been submitted to the Lord Lieutenant; and I am directed to acquaint you, that if you will be so good to commit to writing any communication on the subject to which you allude, and transmit it to me, it shall be immediately brought under his Excellency's consideration, I have, &c.

"W. GREGORY."

On the 22nd of February, 1823, Mr. Bennett wrote to Mr. Gregory as follows:

"Sir; I have the honour to acknowledge your letter of the 18th instant, requiring me to commit to writing the communication to which I alluded in that letter, and which I had to make on behalf of the Ribbon-men of the county and city of Dublin.—Having frequently been employed for them as counsel, I made use of the opportunities thus afforded me, to endeavour to ascertain the real objects of that society. I was assured, that the principle of their union was wholly defensive against the Orange party. They informed me, that the Ribbon system commenced in Armagh, where outrages of a very sanguinary character were alleged to have been committed against the Catholics, by the

Orange party with impunity; and this, it appears, created a bitter spirit of retaliation in the minds of the sufferers, which ultimately produced the Ribbon Association.—Persuaded that this was a correct representation of the principles and views of this body, and that they were not hostile to the constitution or the king, it occurred to me, that recent circumstances connected with the prosecutions of the rioters at the theatre presented an opportunity (if properly acted on) of reconciling this society to the government.—Under this impression, I succeeded in opening a communication with their leaders, principally through the medium of Thomas Hughes, now under sentence of transportation for administering the Ribbon-man's oath. In consequence of effecting this communication, two most respectable Catholic clergymen, distinguished for loyalty and intelligence, were deputed on their part to confer with me, on the subject; and, after several meetings, for some weeks past, I became fully convinced that there existed on their part, a sincere disposition to affectionate loyalty towards his Majesty and the present Government of Ireland. And, were all other proofs wanting, a circumstance occurred, during these conferences which appeared quite decisive. At that period some malignant and exaggerated rumours respecting the nature and extent of the king's late indisposition were industriously circulated in Dublin, on which occasion these clergymen informed me, that the despair of the delegates, from the Ribbon-men, was so excessive, as nearly to put an end to all further proceedings as useless. But, upon the assurance of his majesty's restoration to health, the matter was resumed with increased ardour and activity—I suggested to them the propriety, and, perhaps, importance at that time, of coming forward and offering to take the oath of allegiance, to renounce all secret associations, and to give up their arms; and I now have the satisfaction to state through their authorised agents, that these suggestions have been embraced with enthusiasm; and I am now commissioned by them to communicate to you, for the information of his excellency the lord lieutenant, that they are ready and anxious to come forward and subscribe to these terms upon obtaining amnesty.—I have to address you last —I am instructed to state, that the members of Kildare, Meath, West Meath, King's and Queen's counties, and Tipperary, have desired to be included in this communication; and no doubt is entertained, that the whole body of Ribbon-men will follow this example. The number of organised Ribbon-men in the county and city of Dublin is stated to be 13,000 and those in the country very considerable. I have the honour, &c.

"R. N. B."

To that statement no answer whatever was returned. It was, the House would see, a communication which contained no condition; which claimed nothing but an amnesty. The next communication was a letter written to Mr. Bennett on the 28th of Feb. by Mr. A. Lube and Mr. W. Gore:—

"My dear Sir; a number of persons from different parts of the country, in addition to those we mentioned to you, have called on us to know what has been done relative to the proposition you made to Mr. Gregory, last week? We beg leave to state, that they are most anxious to carry that proposition into effect. We request that you will endeavour to obtain the answer of Government as soon as possible. With best wishes, yours, &c.

"A. LUBE. W. GORE."

"February 28, 1823.

"Sir,—Not having had the honour of receiving any answer to my communication of the 24th [this should have been 22] inst. relative to the Ribbon-men, and great anxiety having been expressed by these people for the determination of Government thereon, I think it my duty to call your attention to the inclosed letter from the clergymen to whom I before alluded. "R. N. B."

"To W. Gregory, Esq. &c."

"Dublin Castle, March 3, 1823.

"Sir,—I submitted your letters of the 24th and 28th ult, relative to the Ribbon-men, to the lord lieutenant, and whenever I receive his excellency's commands, I shall not fail to communicate them to you.—I have the honour &c.

"W. GREGORY."

"To R. N. Bennett, Esq. &c. &c."

"March, 1823.

"May it please your excellency from the moment that counsellor Bennett communicated to us the gratifying hope that it might meet your Excellency's benevolent views to extend your mercy, and bring under our most gracious sovereign's protection the deluded Ribbon-men of Ireland, we lost not a moment in using all our exertions to bring about so fortunate an occurrence—an occurrence which we look upon to be of the greatest importance to this divided country. We can, with the fullest confidence, assure your Excellency, that these deluded men were by no means actuated by any hostile views to our most gracious Sovereign's, or your Excellency's mild and conciliating government; on the contrary, they re loyal from principle, and, as far as we could learn from them, their intention in this illegal association was, to protect themselves from a faction that persecuted and oppressed them. In our communications with them, we found them willing and eager to avail themselves of your Excellency's clemency, in procuring for them our most gracious Sovereign's pardon. And we beg leave to suggest to your Excellency, that it will serve, in a powerful degree, to increase their confidence in us, were your Excellency pleased, if not to extend pardon to Hughes, now under sentence of transportation in Kilmainham, at least to suspend his transmission to Cork for some time. He has greatly contributed to the change that has taken place in the sentiments of these misled men. In a word, we could have no communication with them were it not for him. Hoping that your Excellency will take this our humble suggestion into consideration, we remain, &c.

"A. Lubie. W. Gore.

"To his Excellency, &c. &c. &c."

No answer was given to this, and Hughes was transported.

July 16, 1823.

"Sir—On the 24th (22nd), and 28th February last, I had the honour of submitting through you a communication to the lord lieutenant, from the Ribbon-men, and on the 3rd of March you informed me that whenever you received his Excellency's commands on this subject, you would communicate them to me. Having received no answer after such a lapse of time, I am apprehensive that this matter (under the pressure of important affairs) may have escaped his Excellency's recollection; I therefore beg leave to request you will call the lord lieutenant's attention to the subject, and acquaint me whether it is the pleasure of government to give any answer to the application of the Ribbon-men. Though they were extremely anxious to know the sentiments of government on their case, they did not wish to press for an answer, until certain discussions which have since occupied parliament had terminated. I have, &c.

"R. N. Bennett.

"To Wm. Gregory, esq."

"Dublin Castle, July 22, 1823.

"Sir;—I submitted your letter of the 16th instant to the lord lieutenant, and have not any commands from his Excellency to return an answer. I have, &c.

"W. Gregory.

"R. N. Bennett, esq."

After reading the correspondence, the noble lord proceeded to say, that he agreed with the attorney-general for Ireland, that to enter into any communication with the Ribbon-men, with a view to granting a pardon to Hughes, would have been highly improper on the part of the Irish government; undoubtedly they did right in having the sentence passed upon that individual put into execution. If the present motion went to question the propriety of that act, no doubt it would deserve but little support; but the groundwork of his motion was, to ascertain whether the government had acted properly in refusing to grant an amnesty to the Ribbon-men, who had come forward to take the oath of allegiance, to give up their arms, and to renounce their secret associations. It was, in his opinion, much to be regretted, that the Irish government did not embrace the opportunity that had been offered to them.

Mr. *Grey Bennet* said, he did not think that the right hon. gentleman and his friends on the other side, were aware that his noble friend was in possession of the correspondence; if they were aware of it, he did not think that what had passed that evening would have occurred. It was clear, that there was not a word in the papers which had been read to the House respecting any conditions or qualifications whatever. Where the right hon. gentleman obtained his information, it was difficult to ascertain; but did he mean to say that the documents referred to by his noble friend were not correct? Would the government of Ireland consent to bring forward further information? If not, it would show, that there was something to be kept in the back ground, and without the production of which the House ought not to be satisfied. It had never fallen to his lot to hear a more lame and miserable defence, than that set up on the part of the Irish government.

Mr. *Hutchinson* said, he was very sensible of the advantages which Ireland had reaped from the able and persevering efforts of distinguished individuals immediately connected with England. He considered this circumstance a most fortunate omen for Ireland; and when persons of the rank, weight, character, and talent of the noble lord, devoted themselves to the discussion of questions of so much difficulty and importance, the result must be happy for the country whose cause he advocated. He felt himself in a distressing situation with regard to the present motion; for as he was convinced in his heart, that the noble lord had only the most enlightened and the best intentions, he felt pained to be under the necessity of resisting it. He should not, however discharge his duty, if he supported the proposition. He did not think that the noble lord had made out any sufficient case for the production of the papers, and believed, that if the motion were carried, it would be injurious to the best interests of Ireland. As an Irishman, he had little reason to be well satisfied with the marquis of Wellesley; at least, his sanguine expectations as to what would be accomplished by his administration had been greatly disappointed: therefore, on this occasion he did not appear as the advocate of the Irish government, though he was bound not to allow false impressions to go abroad as to its measures. He was satisfied that in this case the Irish government had acted rightly; for he knew enough of the state of Ireland to be satisfied, that nothing could have been more unwise than for the lord lieutenant to capitulate with persons of such a description. When they came forward, talking of their arms, and boasting of their numbers, and when one of their leaders had been found guilty by an impartial jury, the government of Ireland would have compromised not only its own dignity, but the safety of the state, if it had at all listened to the terms alluded to in the papers. If he had been asked, he should have given his advice for that course which the government had most properly followed. He hoped the noble lord would not persist in pressing the House to a division.

Mr. Secretary *Peel* observed, that though the noble mover had made what was usually considered the concluding speech, yet the hon. member for Shrewsbury had subsequently drawn an inference, which, in some degree, changed the view of the question. The inference was, that because the letters and papers of the noble lord did not contain the statements made by the secretary and the attorney-general for Ireland, those statements were wholly without foundation. The noble marquis at the head of the Irish government, must of course be guided by circumstances; and it appear- to him (Mr. P.), that he had been completely warranted in refusing to extend the prerogative of mercy to the case of Hughes. It would have been a gross violation of his duty, and pregnant with the most injurious consequences to Ireland, if the marquis Wellesley had consented to any sort of capitulation with the offenders. But, after all that had been said about the papers which had been read, it might be exceedingly proper that the House should hear a little about one which had not been read; and it was the more essential that that paper should be noticed, in order that no erroneous impression upon this subject might find its way abroad. He would only premise that, if in this case, they were to call for statements made by the counsel for offenders, not a man would be convicted in Ireland for the future, without praying that the same course might be taken in his case; not a single conviction would be recorded without the preliminary step of that House being called upon to examine the diffuse, garbled, and ex-parte statements (for such it must necessarily be) of the prisoner who had been condemned, and the unsuccessful counsel who had defended him. Among the papers which had been brought under the consideration of the marquis Wellesley was one from a Roman Catholic barrister, a gentleman named Luke Plunkett.

Lord *Althorp*.—I have never seen it.

Mr. *Peel*.—Doubtless that was ample reason for the noble lord's not stating any thing about it to the House; but it was an equally ample reason for his (Mr. P's.) now bringing it to their notice. Mr. Luke Plunkett, on the 24th of February, stated, "that he had made it his business to see Hughes in gaol, after he had been convicted; that he saw him in the presence of the gaoler; and that he undertook to hold out some hopes of mercy to him on the part of government, if he would become the instrument of his associates giving up their arms; or, if not of giving up their arms, of inducing the leaders to come forward and submit." In either of these cases Mr. Luke Plunkett, acting upon his own authority, had thought proper to hold out hopes of mercy. Why, what alternative did this proceeding hold out to the noble marquis, but to defend to the uttermost the sentence of the law and the province of government, which an individual had thus undertaken the conditional exercise of? But this gentleman, in another part of his letter, added—"as to Hughes, whatever may be his ultimate fate, do at least endeavour to exert your influence with the marquis Wellesley, that he may be detained at Kilmainham, till the transports which are to convey the convicts can come round to Cork." Now, when such an application was made, what did the noble marquis do? What did he know? Why, he knew that the immediate execution of the sentence upon this man would do more good, and produce more effect than any other measure whatever, and he immediately directed his removal from Kilmainham. Every body at all acquainted with the state of Ireland must know, that the least appearance of vacillation on the part of the government was always productive of infinite mischief. And, in what case was it called for in this instance? On behalf of some miserable and deluded victim to the arts and practices of others? No; but of the man who had organized the proceedings of his associates; who had been the originator of all these offences; and who had at last come under the hands of justice. And then, the proposition was made by an individual, who, without any authority whatever, had undertaken to hold out hopes of mercy to this man. Could it be doubted, under such circumstances, that the noble marquis was quite right in resisting every kind of attempt at what had been properly termed capitulation? And, what would have followed, supposing Mr. Luke Plunkett's proposition had been adopted? What would have followed upon such a promise of surrender of arms, made by such a party? Did not every body know what those arms would be? From his own experience he could suggest, that they might turn out to be stocks of guns without barrels, or barrels of guns without stocks. He felt perfectly sure, that the arms to be delivered up would have been perfectly useless, as they always were in similar cases; for they were generally such as had been kept for a long time in some bog, or out-house, while those that could be of the least use, were retained and concealed. But, another passage that he should read would completely sustain the statements of his right hon. friend. Mr. Luke Plunkett proceeded thus:—"If Hughes should be be saved, or if his punishment should be commuted to imprisonment, I have no objection to accompany him to any part of the country where his influence and presence can be useful to put down that discord which has so lately raised its hideous crest, &c." He put it to the House, whether it would have been endured that Hughes should thus be elevated into the character of a negociator between the government of Ireland and these Ribbon-men, and be permitted to travel over the country with this Mr. Luke Plunkett, preaching to the people the propriety of their giving up their arms? The noble lord had read a paragraph from the communication of a Mr. Lubie, who was pleased to state that these men "entertained no hostile views against our most gracious sovereign." No hostile views! Why, they were found in arms—they were arrayed against the peace of the country; and yet this Mr. Lubie, in the amiable simplicity of his heart, could not imagine—not he—how it could be supposed that they entertained designs of so dangerous a nature; or why, after the man had been put upon his trial and convicted, the government should not be called upon to account, for not having interposed, in such a case, the prerogative of mercy! To have entered into any negotiation, under such circumstances, would, indeed, have been so to have lowered the government of Ireland, as to render it unfit to preside over the affairs of that country. He could not for an instant suppose that the House would lend itself to the establishment of a precedent so fatal as that which would be set, if the motion of the noble lord were carried.

The gallery was then cleared for a division; but none took place, and the motion was negatived.

GAME LAWS AMENDMENT BILL.] On the order of the day for the second reading of this bill,

Mr. *Stuart Wortley* said, that if the House allowed the bill to go to a committee, he should supply two omissions, by introducing a clause respecting persons coursing, and another protecting the rights of the crown, which some persons thought were not sufficiently provided for by the present bill.

Sir *John Shelley* rose to give this measure his decided opposition. There were, he said, only two good grounds that could be assigned for repealing the old law, and substituting another in its place: it must be shown, either that the existing law was unjust and oppressive, or that it was inefficient for the purposes with which it had been enacted. Now, no one could deny that whenever any evils arose in the nation, whether real or imaginary, the right of petitioning parliament for a remedy was always resorted to. Had not the table of that House, for instance, groaned, session after session, beneath petitions for reform—petitions for relief from agricultural distress—petitions for remission of taxation, and a hundred other objects? But, inasmuch as, within his own knowledge, there had not been one single petition presented to that House against the existing Game laws, he was justified in assuming that those laws were not oppressive. It had been said, that this was a modified measure; but, let honourable gentlemen be assured, that if the barrier that now subsisted were once passed, it would be utterly impossible for them ever to return to the point from whence they had set out. Another bill after this, and another still stronger, would, in successive sessions of parliament, be introduced; until, at length, all restrictions would be done away with. He must be allowed very much to doubt, whether either his hon. friend (Mr. S. Wortley), or those other hon. members who were among the zealous supporters of this new measure, would be prepared to go this length. A law must be bad that was founded, as this would be, upon partial, or upon impracticable principles. An act of parliament might be passed for the general preservation of the game throughout the kingdom; but, how could it be possible to pass a law, intended to give a property in an animal which, by nature, defied all human control, and could never in that sense become property? He maintained, that they might as well bring in a law to limit and regulate the migration of woodcocks as one that should establish a right of property in the birds themselves. What property could there be in that which in the space of twelve hours might change its habitation four-and-twenty times? His hon. friend wished to assimilate the Game laws of England to the Scottish Game laws; but, though the Game laws of Scotland might be extremely good for that country, where properties were usually large, and where there was a vast deal of waste land, they would be very inconveniently applied to England. In England, land was, generally speaking, so much subdivided into small properties, that it was mostly impossible for an estate to maintain so much game as to keep any thing like a property in it. The difficulty of breeding game was much more felt, therefore, in England than in Scotland, on account of the subdivision of land. But, suppose a person to be possessed of a little waste land upon the confines of a large preserve and an extensive estate, he would have nothing to do but to plant it, or even to sow it in a certain way, and he would find that he could by possibility convert his land to a better profit; for all the game would flock to his corn or his new plantation, and by this proposition they would become his property. But, suppose that parliament were to make game property, would it be just or fair that a man who might possess a certain number of acres should be said to have a property in more game than all his land would support? If the present measure were proceeded with, such a man would be able to possess hundreds of heads of game, whose own property might never have contributed a single leveret to the common stock. The chief argument in favour of the sale of game had been, that monied men ought to be enabled to buy it, and that their money would always procure it, under any circumstances. But, he would maintain, that if in England there was space for breeding a sufficient quantity of game to allow of the monied men laying out their money in its purchase, they ought to expend some part of their wealth in the purchase of land itself. Then they would know what amount of game they could raise; and with the other advantages of country gentlemen, they would acquire some knowledge of poor-rates and taxes. His hon. friend had proposed a very strong clause against the man who, being unqualified, was found shooting by day. To find a man shooting by day over his property was a circumstance that might ruffle the serenity of his hon. friend a little; but it was not a man of this description that did the mischief of which country gentlemen had sometimes to complain. He was to be considered as doing no more harm, than one additional sportsman coming down to his hon. friend's mansion. The mischief was always done by the poacher—the thief who snared his game by night. Did his hon. friend suppose that the poacher, if game were made property under this bill, would all of a sudden be conscience-struck, and reason thus with himself,—"As game is now property, I will not touch it, because I shall be depriving another of the value he is entitled to receive for it?" Would he not rather say, "As game can now be sold, I will get at it; and getting into some road or foot-path, I shall easily know where to meet with a dealer, who will purchase of me without a question?" Last year, he had entered his protest against the sale of game. He did not like to convert that into matter of poor paltry profit, which, under present circumstances, was a compliment both to the giver and to the receiver. He should, however, say no more at present on this part of the subject, except to remind the House, that the poacher would always undersell the fair trader; because he would continue to get his game by such means as enabled him, at a lower price, to realize a greater profit. The hon. baronet, after adverting to the great advantage which the kingdom derived from the residence of the country gentlemen upon their estates, expressed his unwillingness to consent to such an entire change in those ancient laws. He would ask—had not this country risen to its highest pinnacle of glory during the existence of those laws? Let not the House be led away by a false species of philanthropy, to adopt so mischievous a measure. He was convinced that they would be doing no good by giving their sanction to it, except to the poacher, the thief, and the attorney [Hear! hear]. Upon these considerations, he begged leave to propose, by way of amendment, "That the bill be read a second time upon this day six months."

Mr. *W. Peel* rose to second the amendment, and expressed his opinion, that the making game private property was fraught with many difficulties. He was surprised that his hon. friend, the member for Yorkshire, who was so little of a reformer in general, should have disposed in so radical a manner of the Game laws, by a bill which would annihilate all the Game laws in the country. Some gentlemen were so sanguine as to suppose that this bill would put an end to poaching altogether; but they might rest assured, that so long as there was game there would be poachers, though he admitted, that this bill would in the end destroy poachers, by destroying the game. Some gentlemen would say indeed, that rather than have poachers they would have no game; but, because there were no poachers, there would not cease to be criminals. After a few years, when the occupation of poachers should be destroyed, was it supposed that those men would return to the habits of honest industry? He was persuaded that, if the House legalized the sale of game, they would do more to demoralize the people, than they could do by any other measure. It was said, that the gaols were now full of poachers. He knew that one quarter of the commitments in England were for offences against the Game laws; but he would predict, that if the present bill passed, for some years one-half of the commitments would be for such offences. He knew that some strong evidence had been offered to the House last year, to shew that the sale of game was now carried on to as great an extent as it well could be. But, to say the least of it, this evidence was suspicious as coming from interested persons; and, if the sale of game were legalised, it would still be the interest of buyers to get it from those who could supply it cheapest; and none could give it so cheap as those who stole it. As for the small landed proprietors, the preservation of game must be so vexatious to them, that, after a short time, they would give it up in despair. The great objection he had to the bill was, that it would destroy the noble amusement of fox-hunting; for, when to the other inducements to destroy foxes, the occupier of land had the additional one of preserving his game, the race would soon be extinct. If there were gentlemen who wished to turn poachers under this bill, and turn their partridges and pheasants into sixpences and shillings, he hoped they would be woefully disappointed. It had been said, that if they had no field sports they would have no country gentlemen. He would not go so far as that; but he would say, that any law that discouraged the residence of the country gentlemen on their estates, would have a most mischievous effect; and he begged them to compare Ireland with England, and those parts of Ireland where gentry did reside, with those where they did not. He knew there were gentlemen who wished to try an experiment on the Game laws,; but he begged them to reflect that what they did must be irrevocable, and that it was as well to think of retracing their steps from the grave as to repeal this bill after passing it. He hoped that the reception given to this bill would be such, that legalizing the sale of game, or the making it property, would never again be mentioned in that House.

Mr. *C. Ross* said, that if he thought the bill tended to diminish the legitimate influence possessed by the country gentlemen over the lower classes, he should be one of its warmest opposers; but if it tended, as he believed it would do, to increase that influence, by removing one of the main causes of irritation, it was well worthy the attention of the House. The hon. baronet had inferred, that the Game laws were popular, because there had been no petitions against them: Now this was a most unfounded inference. It was unfortunately true, that the Game laws were very generally obnoxious; and that an habitual violation of the law in the case of poaching, as of smuggling, had ceased to excite moral reprobation. The legislature had had recourse to severe penalties against it; bill after bill had been brought in to prevent game from being sold, but without effect; and the question now was, not whether game should be sold or not, but whether they should legalize and render innoxious that traffic, which they found they could not prevent —whether it was not advisable to authorize that to be done, by law, which was now done in spite of all law? Considerable doubts had been expressed by some gentlemen, as to the correctness of the evidences that had been given before the committee last year, as to the extent of the sale of game; and he confessed that he himself had felt some suspicions as to its accuracy. But he had taken the trouble to examine the books of some of the poulterers, and he found the statements to the fullest extent confirmed. He had extracted from the books of one, by no means of the principal sellers, the numbers of game he had supplied, and the names of the persons to whom they were supplied. He found in one day he had supplied 100 head; in another, 135; in another, 228; in another 101, and so on. The books he had examined were made up previously to the parliamentary inquiry on the subject; so that there was no room or temptation for falsification. But, it was not to London alone that the sale was confined; it extended to every considerable town, and indeed the system was spread over the whole country; and, as it had been strongly stated by one of the witnesses before the committee, if the laws were written in blood they would not be effectual, there were so many persons of great wealth, and yet of no landed property, who would have game; though the greatest consumers of all, created as it were by the difficulties thrown in the way of procuring the articles, were the tradesmen of London and of the great towns.—It was the duty of the House to try whether, by a revision of the law, they could not obtain the same advantages, and prevent the evils of the system. It was a primary principle of legislation, to consider the temper of the people upon whom the laws were to operate. What could be more unfortunate than a state of law, under which there was a continual struggle between the magistrate and the multitude, and an alternate series of victory and sullen submission? In all the trials under the Game laws, it was known what difficulty there was in getting convictions. There were continual appeals, not to the sober reason, but to the passions of jurors; and there were no class of crimes where the convictions were so few, in proportion to the number of offences. Under the present system, the poacher almost monopolized the market; and, if the sale were legalised, he would at any rate meet with a competitor on the part of the regular vender. But the game now procured by the poacher was even more than was wanted for the supply of the market; for a great deal so procured was kept by the poulterer until it was in a state not to be saleable, and was destroyed; because, from the illegal and uncertain manner in which it was obtained, the poulterers entered into contracts to take all the poachers might send. It was said, that if game were made private property it would rapidly disappear. But if they might reason by analogy—if experience might guide them—they might safely pronounce that there was no ground for such an apprehension. If they looked to the countries in which game was made private property, they would see that the game was not destroyed. If they looked to Germany, they would find that the quantity of game slaughtered in a day was greater than in this country. If they looked to France, of which he could speak from experience, he could assure them, that in those parts of it where game was not preserved at all, they would find more than in any county in England. In Scotland, too, where, if the sale of game was not permitted by law, it was connived at, there was no complaint of the deficiency of game; and it was necessary that some stronger difference should be adduced, than the alleged difference in the state of property, before he should consent to give up the inference drawn from the state of the law, and its results, in that country. He was not so sanguine as those persons were, who supposed that this bill would put down poaching altogether. Those who pursued it for their own gratification might still pursue it; but those who pursued poaching in order to sell game, would, he had no doubt, be driven out of the market. He was anxious to draw closer the bonds which united all classes of people in this happy country: he was anxious that the ground of dissatisfaction, whether real or imaginary, that was to be found in the Game laws, should be removed; and wishing by no means to encroach on the amusements or on the privileges of the country gentlemen, to whom the country was so deeply indebted for their zeal in repressing tumult at home, and in standing up against foreign enemies, he should warmly support the present bill.

Mr. *Lockhart* said, that when it was asserted that the Game laws were unpopular, he should like to know with what class they were unpopular; for certain he was, that he had heard more said against them in that House than he had in any other place. They were unpopular with the poachers, and never would be otherwise; but with other classes they were far from being unpopular. The bill before them was, they were told, to unite all classes of the people. He should be glad to know how this could be; for he never saw a bill more calculated to be unpopular, one that more rashly took away existing rights—or supported its provisions by more tyrannical and unconstitutional means. In the first place, without discussing the principle of making game property, or legalising the sale of it—he might observe that the first enactment of the bill was, to sweep away all qualifications at a blow. There had been objections to the principle of qualification; but, he did not hold vested rights in general, or qualifications in particular, so lightly as thus to dispose of them. Those qualifications had their value; they afforded inducements to the acquisition of learning and honour, and to the perseverance necessary to attain the stations which conferred them. They were cheap incentives to exertion. The next clause was, to make the game the property of the proprietor of the land—so long, he supposed, as it stayed on the spot. The property of game, then, was not in the occupier of the land!—["Certainly not!" from Mr. Wortley]. What, then, became of the liberality of the bill, the person who fed the game was not to have the property in it? The person who had the property of the game then was, he supposed, looking at the bill as a lawyer, the person who was seised of the fee simple, or who had an estate for life in the land. Who, then, was to preserve it? The occupier was not to preserve it, and the owner of the fee-simple had no right to do so, unless he was happy enough to be one of those overgrown aristocratical personages who had a given quantity of acres not yet named, but which he supposed would be a pretty large one, lying altogether, without so much as a single field intervening to break their continuity. Those who were happy enough to have lying together, a given number of acres, he supposed 500, might appoint a game-keeper; but the humble yeoman of 100 or 200 (or 1,000 acres, if they did not lie together) could not. If a lady were possessed of land she could not appoint a game-keeper—a difficulty which the gallantry of the hon. member for Yorkshire should have led him to avoid. When the odious task of arresting trespassers was provided for, the occupiers of the land, though they had no property in the game, might apprehend any person who trespassed on the grounds of the overgrown aristocratical persons he had described, if, upon being warned, they did not go off. They were to apprehend in this manner persons sporting in open day, and with their guns in their hands! Did the hon. gentleman think that this would be popular with his constituents or with any constituents living in towns? Those tradesmen and manufacturers who now could be, and in point of fact were whenever they were respectable, constantly invited by the farmers or land owners to shoot, would be liable to be apprehended as common felons, or rather in a manner still more summary than felons. Was the hon. member aware how the law stood as to the apprehension of felons? Was he aware, that if a man was not a constable he apprehended a felon at his peril, and if there was resistance which occasioned death, it was only held to be manslaughter? Yet the hon. gentleman authorised any occupier of land to seize any trespasser with his gun in his hand. When they considered the difficulties as to determining what was a sufficient notice, and the disputes as to property, they might form some idea of the bloodshed and affrays to which such a power would lead. The professed object of the bill was, the better preservation of game, yet for this purpose it was notoriously unnecessary; for the game had, in fact, increased tenfold within the time of his own knowledge. There was some other object not avowed, he believed—the destruction of poachers; but there was nothing in the bill to make this attempt succeed, with the exception of the clauses respecting the punishment of night poachers on successive convictions, which, to be just, he thought worthy the attention of the House. If the present Game laws were unpopular from the narrowness of the qualifications, let the House enlarge them. Let them keep up the old qualification of land and rank, and add such others as might be deemed advisable. Let them admit the army, the navy, physicians, the bar, the clergy. For commerce, let them admit the heads of corporations, or let them give a qualification to a certain amount of personal property; but let them not pretend to give the property of game to the owners of the land, and thus break down ignominiously the property they had created, by disqualifying those owners from preserving it. Under the bill, no one was to be allowed to have snares to take game but a gamekeeper. What! was it meant by this that a man should not snare the game which the bill declared to be his property, or even his rabbits, which were eating up his crops? At present the law was impartial, and declared, that no persons should have snares to destroy game, though gamekeepers who, partook of the poaching as well as of the preserving character, sometimes had them in defiance of the law.—He thought he had shewn sufficiently, that the bill could be popular—not with the occupiers of land, for it gave them no right to the game, not to professions, not to persons of small and divided properties, whose qualifications it swept away—but only to those who possessed a certain *arrondissement* of land, to whom the bill seemed intended ultimately to give a monopoly of game. What could be said, under the present bill, to persons possessed of allotments in common fields, who might have a thousand acres divided into two hundred slips? How would it be possible for them to pursue game, or to preserve it? If there was an ulterior object behind—if it were said, that game produced crime, and should therefore be destroyed altogether, he should be ready to meet that argument. They might then go deeply into the question, what sort of property it was fitting to protect against those who were below the law, how far the fruits of the earth, or the implements of husbandry, were to be left exposed to depredators, or to be considered *communis juris*, because they were exposed to lawless pilferers. He would not speak of the principle on which the Game laws had been maintained as conducive to the comfort of the gentry, and as preventing them from falling into the errors of the gentry of France who wasted their time in coffee-houses, without improving the health of their minds or bodies. But he would say, that, considering the difficulty of the subject matter, the Game laws were as perfect as could be expected. They afforded a healthy amusement to a greater body of people than would be done by the amending bill. They did not exclude the bar, the church, the farmer, or even the tradesman; for though in words they excluded them, where they happened not to be qualified, yet there were very few who were not invited, and who, where a litigious spirit had not sprung up, were not enabled to shoot. This system would be ill-exchanged for that boorish and churlish practice which prevailed abroad; where every man who went out of a town to shoot might have his gun broken by a gamekeeper, or be exposed to the more deadly quill of an attorney. He thought the existing law with a few alterations, was as good a one as could be devised; and, as the proposed amendment was only likely to set the people by the ears, he should give it his decided opposition.

Mr. Secretary *Peel* said:—As this bill, Sir, provides for an evil which I consider to be one of great magnitude in the present state of society, I mean the legal prohibition of the sale of game, I shall certainly give my vote for it, reserving to myself the power of proposing such alterations and modifications, with respect to other clauses of the bill, as I may hereafter deem expedient. Independently of the expediency of the clause for legalising the sale of game, I am certainly of opinion, that the present state of the law, with respect to the qualifications of those who are entitled to kill game, requires alteration and nothing which has just fallen from the hon. and learned member for Oxford, has tended to change my opinion. I am persuaded, indeed, that if the hon. and learned gentleman were seriously to undertake the defence of the present laws, with respect to qualifications, he would find them teeming with so many absurdities, that he would be compelled to abandon the task, and to admit that the grounds for amending them were irresistible. He has said, that to alter the laws with respect to qualifications, would be to interfere with vested rights; but surely the notion of vested rights has never yet been pushed to this extraordinary extent. Can it seriously be maintained, that the admission of fresh persons to the right of killing game would be an interference with vested rights? The hon. and learned gentleman thinks, that the qualification ought to be limited to rank, to science, and to talent. But, does the present law admit science and talent to the privilege of killing game? How does the present law deal with the clergy, to whom the hon. and learned gentleman would give the privilege? A doctor of divinity does not by the present law, possess the privilege of killing game; he may indeed procreate a qualified person, but he is not himself a qualified person. The eldest son of an esquire, or person of higher degree, is a qualified person; and as a doctor of divinity is a person of higher degree than an esquire, he may beget a qualified man, but he has not himself the privilege of killing game. Men of science and talent, therefore, are not favoured by the present law; they are merely left to the melancholy privilege of begetting game-killers, who may be men of no talents at all. And, what is the state of the law as to qualification founded on property? Why, the second son of a man of 20,000*l.* a year, is not by law qualified to kill game; the younger children of a man possessing the largest property in the kingdom, are not by law qualified to kill game on their father's own estates. Is it not a most absurd and anomalous state of things to see men acting in the capacity of magistrates and enforcing the Game laws against others when their own sons are every day violating them? It seems to me that no gentleman who seriously weighs the two arguments to which I have adverted, can possibly resist a proposition for amending the laws with respect to qualification. The hon. and learned gentleman will recollect, that there is a material difference in the laws respecting qualifications in different parts of the United Kingdom. In Ireland, for instance, the law of qualification is founded on a different, and, in my opinion, a much better principle than in England; for in Ireland any individual possessing personal property to the amount of 1,000*l.* is qualified to kill game. In Scotland any person may kill game, who receives permission from the proprietor of the estates on which he kills it. I do not advert to these differences of the law with a view of contending, that they ought to be introduced into England, but merely to shew, that the practice of the law is different in countries whose general customs are not very alien to our own.—With respect to the sale of game, the more I turn this question in my mind, the more satisfied I am, in the first place, that it will be for the interest of the game-preserver; and in the next place (which is a much more important consideration) that it is absolutely necessary for the interests and the peace of society, to remove the legal prohibition of the sale of game. In arguing this question *à priori*, let us look to the present state of society as compared with the state in which society formerly stood in this country. Our union with Scotland, and our subsequent union with Ireland, have compelled the residence in England of some of the greatest proprietors in those countries. An Irish peer for instance, residing in this country, has no legal right to kill game, for his Irish qualification does not give him the right; and, if the law were enforced against him, we should be in the situation of having invited him over to this country, and then depriving him of the privilege to which his rank and station entitle him. A foreign ambassador is not, by law, entitled to kill game in this country. In short, by the existing law, Irish peers, Irish bishops, foreign ambassadors, and even princes of the blood, I believe, unless possessed of landed property, are all disqualified. If laws stand upon our Statute-book, which are practically evaded and violated every day, this is of itself a sufficient reason for their repeal. I will ask, whether these laws are not perfectly inoperative—whether they are not constantly, notoriously, and openly violated in every great town—and whether it is possible, in the present state of society, that it should be otherwise? The constant violation of laws is a bad example. And, by whom are these laws violated? In general, by those whose duty it is to enforce the laws of the country. It often happens, that a gentleman who is occupied during the morning in enforcing the laws, himself sets the example of violating them in a subsequent part of the day. If the law really prevented the sale of game, there would be a ground for objecting to an alteration of it; but as it is notorious that it is wholly inoperative, this is one of the strongest grounds for its repeal. It may be said, that it is a mere speculative assumption to take it for granted that game is sold. What is the proof of it? Before the committee of last year, evidence of the constant habitual sale of game in London was produced, such as must have convinced any man, that game was sold as openly as any other article. But it may be said, that these persons were not examined on oath; that before the Lords they would have told a very different story; and besides, that they were persons interested in the sale of game. To meet these objections, Sir, and to ascertain in as satisfactory a manner as possible the facts as to the sale of game, I have felt it my duty to select four or five of the principal towns in England, and to ascertain the number of convictions which have taken place in those towns, for the selling and purchasing of game. I have not confined myself to a single year, but I have called for returns for the last five years, and I have selected places notorious for their hospitality. If any hon. member who represents any of those towns, will rise in his place, and deny that game is sold there, my mouth is closed; but if it be not denied, the House may, I apprehend, place some reliance on the fact of the notoriety of the sale of game. The first place which I selected was Bristol, where it will not be disputed, I believe, that the public exhibition and sale of game is notorious. From Bristol I received the following answer:—"I am directed by the Mayor, in reply to your letter of the 7th, to acquaint you, that no person has been convicted in Bristol during the last five years, for selling or purchasing game." Here, then, there has not been a single conviction. I perceive, indeed, that the hon. member for Bristol smiles at the very supposition of a conviction for the sale of game at Bristol. From Liverpool the following answer was returned:—"In reply to the letter of Mr. Hobhouse, dated the 7th, I have to acquaint you, that no person has been convicted at Liverpool for the last five years for selling or purchasing game." From Manchester, the answer is—"In reply to your letter of the 7th, respecting convictions for selling or purchasing game before the magistrates, within the last five years, I have to state, that four persons have been convicted; three in the year 1821, and one in the year 1822, all for selling game." From Glasgow the reply was—"The magistrates of this city, during the last five years, have not been called upon to enforce the Game laws in any one instance; offences against these laws are usually prosecuted by justices of peace in the country." If, therefore, in four of the principal towns of Great Britain, there have been only four convictions for this offence during the last five years, it cannot be denied, that the legal prohibition of the sale of game is utterly inoperative. In point of fact, game is already sold as openly as it could be if the law were repealed. The hon. and learned member for Oxford spoke of the heads of corporations. Is it conceivable, Sir, that, the head of a corporation—an "animal propter convivia natum"—could be restrained by any penal enactment from the indulgence of his appetite for game [a laugh]? If the law therefore, has fallen as it must be admitted to have done, into complete desuetude, it is desirable, as well for the interests of the game-preserver, as of the public, to legalize the sale of game. The poacher has two motives for poaching; one the pleasure of sporting which he shares in common with ourselves: the other the hope of gain. With the first of these motives, it is impossible to contend by legislative enactment, but we may control the other, by a measure which will diminish the illegal profits which the poacher at present derives from the exclusive supply of the market in large towns. If we permit the legal dealer in this article to compete with the poacher, it cannot be denied, that such a measure will interfere with the profits of the poacher. I have myself seen in a single room upwards of a thousand head of pheasants collected, which were not disposable for any useful purpose. All the friends of the owner of these pheasants were satiated with game; but, supposing him to have been enabled to send these pheasants into the markets, can it be contended that this would not have the effect of diminishing, pro tanto, the profits of the poacher, and consequently of diminishing the temptation to poaching? I do not mean to contend, that the legalising of the sale of game will put an end to poaching altogether; but it will certainly have the effect of materially diminishing it. Suppose a law were enacted by which rabbits, salmon, or any animals of the nature of game, were declared not saleable in the market, would such a law have the effect of giving increased protection to the proprietors of such animals? Quite the contrary; it would inevitably throw a monopoly into the hands of the illegal trader. The hon. baronet opposite thinks it very strange, that people who have nothing but personal property should complain that they cannot get game. "I never heard of any thing so unreasonable" (exclaimed the hon. baronet). "Why does not such a person go and purchase an estate, if he wants game? What has a man with nothing but personal property to do with game?" If we were to go into the question of right, the hon. baronet would find that his argument rested upon a very frail foundation. Besides, the argument, such as it is, is capable of an extension, which even the hon. baronet might not find perfectly convenient. Upon the same principle it might be said to one man, "what right have you to eat salmon? You have no river." To another "What right have you to indulge yourself with turtle? you have no West-India island." The hon. baronet, in consistency with his own principle, that none but the proprietors of the soil have a right to eat game, must forego the pleasures of salmon and turtle, unless he be the owner of the water which they inhabit. If the sale of game be legalised, I am satisfied that by far the greatest portion of the supply will be that which is derived from honest means. This has been the result in every instance of a similar alteration of the laws. Half a century ago deer-stealing was a very prevalent offence. At that time the public exposure of venison was an offence punishable by very severe penalties. But, since the repeal of the law prohibiting the sale of venison, the legal trader has driven the deer-stealer from the market, and the offence is comparatively of rare occurrence.—It has been said, that one of the consequences of repealing the present law will be, to enable a man who has a few acres of land in the neighbourhood of a great proprietor, to sow buck wheat for the purpose of seducing the pheasants of his richer neighbour. What, I will ask, is to hinder a small land-owner from doing this in the present state of the law, and then employing a qualified person to kill the game which may come on his land? If he entertains any malignity against his rich neighbour, here is at once a mode of gratifying it, under the existing law. My hon. friend talks of the injustice of tempting away the rich man's pheasants; but, if we look to the strict justice of the case, is it perfectly just in the rich man to preserve game to eat up the poor man's crop? There would be much more justice in allowing the poor farmer to destroy a few of his rich neighbour's stray pheasants, as an indemnity for the injury which he must necessarily sustain from them. But, the alteration of the law will, even in this respect, be attended with the most beneficial effects. As it stands at present, the poor farmer has an interest in destroying as much of his rich neighbour's game as possible; but when he has a legal right to kill that which comes on his own land, the waiver of that right may be easily made the subject of pecuniary compromise between him and the rich proprietor.—My hon. friend urged another argument, which is certainly more forcible than any to which I have hitherto adverted. He contended, that if we legalize the sale of game, we shall lose one of the best means which we now possess of convicting poachers. Poachers, however, are much more frequently convicted for being detected in the act of killing game than for having game in their possession. It appeared from a return of persons convicted for having game in their possession, in Norfolk, Suffolk, Dorsetshire, and Sussex, that they bore no proportion to those convicted for being found out at night in the act of destroying game. If, Sir, I were perfectly satisfied that the present system of Game laws worked well, I should be the first to oppose any speculative plan of improvement; but I am satisfied that the present system does not work well. The number of commitments throughout

England for offences against the Game laws have amounted, in six or seven years, to upwards of 9,000; that is, about 1,200 a year. I believe that it is neither for the interest of society, nor for the interest of the game-preserver, that the present law, which prohibits the sale of game, should continue. I do not believe, that any legislative enactment would have the effect of preventing the sale of game. The effect of increasing the penalty has been tried and it has not succeeded. The wiser course, therefore, will be to suffer the legal possessor of game to enter into competition with the illegal possessor. I believe that this course will succeed; and, considering as I do, that the prohibition of the sale of game is one of the greatest evils arising out of the present system of the Game laws, I shall support the second reading of my hon. friend's bill, reserving to myself the power of giving a free opinion hereafter, as to other parts of the measure. I cannot help thinking that my hon. friend has, in many respects, attempted too violent a change in the laws, and that it would have been better to introduce a more cautious and gradual alteration of the present system. The expediency of adopting some alteration and modification of these parts of the bill, will be more properly discussed in a future stage of it.

Mr. *Ridley Colburne* thought that the expectation of underselling poachers by a repeal of the present law would not be realised. Pheasants and hares were already sold by poachers at two shillings, and partridges at six-pence each. As to the argument, that people would prefer dealing with the legal trader to buying their game of poachers, this was a distinction, with respect to property in animals feræ naturæ, which was not likely to enter the heads of purchasers. The remedy proposed was, he thought, of an extremely doubtful nature, as it would establish a legal market for the sale of game, without ascertaining the means by which the market was to be supplied.

Mr. *Benett*, of Wilts, said, he was so disgusted with the present state of the laws respecting game, that he was prepared to consent to any change, conceiving that it must be one for the better. No man in England was fonder than he was of country amusements, and of fox-hunting in particular; and, if he thought that the bill would have the effect of abolishing that sport, he would most strenuously oppose it. That, however, would not be the consequence of the passing of the bill, which would merely remedy the defects of a system of laws, which had become the instrument of tyranny, and the cause of immorality. The laws relative to game had been passed in feudal times, when land-owners were tyrants, when commerce was but little cultivated, and when few persons were able to purchase game. They were not calculated for the present state of society. Merchants would have game on their tables, even if it were soiled with the blood of the poachers who procured it for them. Since, therefore, there was such a determination on the part of monied men to have game, he thought it was wise to allow them to procure it, without destroying the morals of a large portion of the community. Under the present laws, no persons felt an interest in the preservation of game, except the great land-owners and their servants. The farmer, who had the best opportunity of preserving it, had no interest in doing so. The only way to put a stop to poaching was, to take away the inducement to commit the offence, by legalizing the sale of game, which would have the effect of reducing the price of that article so low, as to render poaching no longer a profitable employment. It appeared to him, that the present bill could in no way affect fox-hunting. Every fox-hunter was a trespasser, under the law as it now stood; and persons would have as much right to draw a fox after the passing of the bill, as they had now. For the reasons he had stated, he would vote for it.

Lord *Milton* said, that the hon. member who had just sat down had expressed his disgust with the present system of the Game laws to be so strong, that any change must be an improvement. Now, he apprehended, that the general cause of that disgust arose from the enormous quantity of crime which they engendered. The great object of the House should be to diminish crime; and to this purpose all other considerations should yield. He thought the hon. baronet, the member for Lewes, attached too much importance to other considerations, such as the inducements to country gentlemen to reside on their estates. He was one of those who doubted very much whether those gentlemen were the most serviceable in their respective neighbourhoods, whose chief occupation and pleasure consisted in shooting game. With respect to that part of the measure which proposed to legalize the sale of game, it should have his hearty concurrence. He thought such an enactment highly advantageous, indeed loudly called for; because he could tell them, that, whether parliament did or did not legalise the sale of game, the public feeling of the country, and the general sense of mankind had already done it. And, if parliament did not consent to do it, the present laws would only remain a lasting monument of legislative folly. His wish on the subject was not to legislate at all: he wished to destroy the legislation which at present existed; he wished to take away the act of parliament which prevented the legality of the sale of game, together with its twin-brother in wisdom, the measure which was passed five years ago, to prevent the purchase of it. The efficacy of both those measures had been amply proved before the committee which sat on this question last year. It was very proper that the principles of a bill should be discussed upon the second reading, although at the same time there were many of its details which could only be understood in the committee. But he objected to the principle of the present bill, which went to change the right of property. He could see no good reason why there should be a transfer of the right of property from the lord of the manor to the freeholder of a few acres. They might talk as they pleased of the odiousness of the Game laws, they might call the lord of the manor by what name they pleased; they might call him tyrant, oppressor, remnant of the feudal system; but he contended, that this principle would raise up thirty tyrants instead of one: it would invest the proprietor of fifty acres of land with all the rights which the lord of the manor possessed at present; and, without meaning to speak at all harshly, he was inclined to think, that those rights would be exercised with ten times more vigilance, and ten times more oppression to the people, if they were vested in such proprietors, than if they continued to be vested entirely in one. It was in vain for gentlemen to suppose they could have game to the extent they had at present, without also the attendant consequence of poaching: it was, in fact, a necessary consequence of the system. From the facts which he had stated, gentlemen would, of course, draw their own inference; but he did not wish it to be supposed, because he so far objected to the principle of the measure, that he was altogether adverse to some of its provisions.

Sir *M. W. Ridley* said, he was not prepared to go to the whole extent of the bill; but, at all events, it was clear to him it would have the effect of doing that which had excited so much attention; namely, to diminish poaching; and would besides put the system upon something of an intelligible footing. It was obvious, that the amazing increase of game in this country, had increased the practice of poaching; and it was equally clear, that there must have been an increased demand for the article, or there would not have been such an increased supply. And, did not daily experience prove, that when a commodity of any description could be had by fair and honest means, it would find a much more ready and steady market? The receiver of stolen goods was not the first person to whom a purchaser would resort for any article he might require; but, if he was prevented by law from purchasing the article, then, as in the case of game, he would go to a person of that description. The article would not fail to reach those who had money to purchase it, and it was absurd to think of preventing it by legislative enactments. It had been stated by the hon. member for Oxford, that it was a peculiar hardship not to extend the right of qualification to lawyers, divines, and the heads of corporations. But, by this bill, the House gave them a great deal more; for they gave the learned doctors, both of law and divinity, as well as the right worshipful mayors of corporations, the power of eating that lawfully, which before was illegal diet; and, in his judgment, the lawyers, and doctors, and heads of corporations, would be much better pleased at receiving the privilege of eating game than of shooting it according to law [a laugh]. By legalising the sale of game, poaching would lose much of its inducement; and although he would not say it would destroy it in the first or second year, still, in that space of time, it would, he was convinced, considerably diminish the practice; and, by so doing, the House would remove a most disgraceful statute, and destroy a most prolific source of immorality. An hon. gentleman had asked, by whom were the Game laws called unpopular? He would ask in return, by whom were they styled popular? By the consumers of game (for consumers they all knew did exist) they were styled unpopular. They were styled unpopular by all those who looked upon them as an excitement to crime; in fact, they were styled unpopular by all those who were anxious to promote the industry and the morals of the people. If, therefore, the proposed measure were only a change from that which at present existed to any thing better, it would be so very important a change in the system, that the House was bound to adopt it.

Mr. *Stuart Wortley* replied. He said, that the object which he had in view in introducing this important measure was, if possible, to satisfy the minds of the majority of the people of England, who saw nothing in the present laws but injustice. Questions of this sort ought always to be considered with reference to some general principle; and, if game must belong to some one, reasoning from analogy, in whom ought that right of property to be vested? As the law now stood, the right of property was given to those who had no power over the land in which the game might happen to be. It had been said, that this right should belong to the lord of the manor; but this bill would regulate the matter in what he considered the fair and ordinary course, for it would confer the right of game on those who held possession of the land on which the game was found; and he thought that when a man disposed of his land, the regulation of the right of game was a fair matter of bargain between the owner and the occupier of the land. It had been urged, amongst other things, that he would endanger his popularity with his constituents, by the introduction of this measure. On that subject, he could only say, that he had too good an opinion of the understandings of his constituents, to suppose that this bill would render him unpopular amongst them. If he should incur unpopularity he should certainly lament it; but his rule of conduct in that House, and elsewhere, had been, to do what he conceived to be his duty, and trust to the consequences. But, in fact, what was it he proposed to do? It was to give to every man in England, no matter how humble his condition, the right of shooting, wherever he was allowed. It had been objected to him, that he would take away vested rights; and an hon. friend had complained of the hardship of not extending qualifications to particular classes of persons, amongst whom were included the members of the learned professions; but, according to the bill before the House, there was no member of the universities, no head of any corporation in England, who might not take his morning's walk, and bring home game either to consume, to sell, or make a present of to his neighbours. That was the very principle of the bill; and a vested right he proposed to take from no man. An hon. friend had remarked, that the trespass clause was a severe one. He was free to admit that it was so; but it was incumbent upon the House to give the owner of the soil adequate protection when his rights were invaded. The bill enacted, that no man should trespass on the land of another, but that if a man so trespassed, and refused to go off the ground when requested so to do, he was then, and not till then, liable to be seized. If a property were once established in game, and any man might come on the land of another, and remain there after warning to depart, it would be absurd to say that property was protected. There could be no protection to property, if persons had the power to walk out of large towns and trespass upon that property with impunity. The hon. baronet, the member for Lewes, had asked, "Why do you wish to change these laws, since no petitions have been presented on the subject? But he could assure his hon. friend, that it was his fault that one at least had not been presented; for he had received a petition from his own county to present to the House, which was neglected by accident; and but that he had stated that the subject had already occupied the serious attention of the House, other petitions would have been presented; for he had received offers of them without end. "But," said his hon. friend, "you have as much game as you require." Admitted. There was as much game in the country as could be desired; but his complaint was, that the system of preserving that game was a curse to the country. He was himself a game-preserver, and was as fond of country sports as any man; but the preservation of game was to him an annoyance so great, as almost to amount to a desire to abandon it altogether. He had experienced a dreadful accident on his own ground; for an honest and gallant fellow had lost his life in a conflict to preserve his game; and he could assure the House, that his feelings on awaking in a fine moon-light night, were sometimes not of the most pleasing description. Once give game the quality of property, and let the right of that property belong to the occupier of the land, be the individual ever so humble in life, and he was persuaded that a different feeling would be introduced into the country. The moment you allow game to be legally purchased for domestic purposes, the practice of poaching must diminish; or human nature was not human nature. His hon. friend had made an objection which he considered a strange one; namely, that these wild animals could not be made property. But, was there not property in animals just as wild? Pigeons, for instance? If I shoot a pigeon belonging to another man, I can be compelled to pay that man half a guinea for it. But, said the hon. gentleman opposite, "How would the case stand with respect to the trespass, if you fire at a bird and wound it, and it falls in another man's ground?" Why the law would then be just as it was now; you could not pick it up without committing a trespass. It would belong, as a matter of right, to the man on whose land it was found. He considered that the mode in which these laws were sometimes enforced, rendered the residence of some gentlemen upon their estates an evil and not a benefit; and if a gentleman could not prevail upon himself to reside in the country, without the powers which these laws allowed him, he was not so sure that his residence could be very serviceable. He had been told, that this bill would not abolish the practice of poaching. He was no Utopian, and was not so little acquainted with human nature, as to suppose that, as long as there were things to be stolen, there would not be persons to steal them. But, his great object was, to promote a different feeling with respect to these matters; so that a man might say to a poacher—"What right have you to come upon my land and carry away that which I may take to market and obtain money for?" And, in addition to this, another valuable object would be attained; namely, the removing the odium of enforcing these laws. His noble colleague had complained, that he had not gone far enough, and would wish to abolish these laws altogether; but if the House proceeded to that extent they would find, that until all the game in the country should be destroyed, the crime of poaching would rather increase than diminish. It was exceedingly difficult to render a bill of this description perfect in the first instance; but he was neither disposed, on the one hand, to reject any suggestion or amendment that might be proposed, or to adhere tenaciously, on the other, to any of the clauses that might appear objectionable. All he wished was, that the House should go into a committee, and he should then be happy to attend to any suggestions. The magnitude of the evil was such as loudly to call upon the House, to see whether they could not frame a law that would satisfy the nation at large, and take away from the country gentlemen the reproach of endeavouring to uphold a system of tyranny.

The House divided: For the second reading 105. Against it 37. Majority 68.

WELSH JUDICATURE BILL.] Mr. Jones having moved the second reading of this bill,

Mr. *Allen* described the proposed measure as being trifling in its remedy, and likely to be most pernicious in its effects. The defect of the existing system was, that it was opposed to the due administration of justice. The evil of the present jurisdiction arose from the extraordinary number of the Welsh judges, and the want of employment for them. He had a strong objection to the intermediate employment of the Welsh judges as counsel, and to their liability to form personal connexions, as agents to noblemen and others, which must derogate from the dignity of the judicial situation. He also thought, that so far as property was concerned, one great evil was, the difficulty of procuring special juries, a privilege only to be obtained by motion in open court, and then, when the assizes in some places lasted only two days, it was impossible to summon the special jurors within the time required by the law. The hon. and learned member entered into a technical statement of the different duties that attached to the judges in the principality of Wales, as at present constituted. He said, he should recommend that the courts of Westminster-hall should be thrown open to Wales, as it was to the people of England, and that the decisions of the courts of the principality should be open to revision. He would get rid altogether of those vagrant courts of chancery, which were only employed in injunctions and discoveries, without at all leading to any useful practical result. The hon. and learned gentleman concluded by moving, as an amendment, "That the bill be read a second time upon this day six months."

Mr. *Jones* defended the principle of the bill, and contended, that its provisions would be extremely salutary. He maintained that the courts of chancery in Wales, instead of being an evil, were the best part of the local jurisdiction. There was not a single county in Wales in favour of the abolition.

Sir *C. Cole* approved highly of part of the bill, but thought that the principle of it was not carried far enough. The same reasons which were deemed sufficient to disqualify the judges of England from sitting and voting in that House, surely ought to be sufficient to disqualify the judges of Wales also. If any member would move a clause disqualifying the Welsh judges from sitting in that House, he would give it his cordial support.

Mr. *Wynn* was of opinion, that the best thing that could happen to Wales, would be the abolition of the present jurisdiction, with a view to assimilate the Welsh jurisdiction to that of England; but that could not be accomplished without many concurrent measures. The English judges had quite enough to do at present; and it would be bad economy to appoint two judges, who would only have to officiate for six weeks in the year, and that too in a particular part of the kingdom. He was anxious that the bill should proceed to a committee.

The House then divided. For the amendment 19; against it 42 Majority, 23. The bill was then read a second time.

List of the Minority.

Althorp, visc.
Bennet, hon. H. G.
Buxton, T. F.
Crompton, S.
Evans, W.
Grattan, J.
Hobhouse, J. C.
James, W.
Kennedy, T. F.
Lamb, hon. G.
Lennard, T. B.
Monck, J. B.
Russell, lord J.
Rice, T. S.
Sykes, D.
Smith, J.
Smith, R.
Webb, col.
Whitmore, W. W.

TELLERS.

Allen, J. H.
Hume, J.

MUTINY BILL—FLOGGING.] The report of the committee on this bill being brought up,

Mr. *Sykes* rose to express his strong abhorrence of the practice of military flogging, which he considered as nothing else than an anatomical experiment upon a living subject. The principal defence which had been offered in favour of it rested upon the assertion, that as a punishment it had been long in use in the British army. In point of fact, that was no defence at all; for instead of being one of those practices which were sanctified by time, it was only one of those barbarous relics of a barbarous age which ought to be abolished immediately. It was excruciating in point of suffering, degrading in point of feeling, and unnecessary in point of discipline; and, as the chief effect of it was to deter those persons from entering into the army whom it would be most desirable to allure into it, he trusted that the noble lord would consent to abolish it, and would turn his humane mind to devising some other effectual punishment to be substituted in its stead. It was said, that without the lash it would be impossible to prevent drunkenness among the soldiery. Now, if honourable gentlemen would consider the manner in which the army was recruited, they would see the very curious nature of this argument. First, the men were tempted into the army by having liquor given them to excess, and being so enticed, they were then soundly flogged if they dared to take it in a similar manner afterwards. It was likewise said, that at present this punishment was very seldom inflicted. If that were the case, what objection could there be to abolishing it altogether? He must confess that he felt strongly upon this subject, in consequence of a circumstance that had happened three or four years ago, in the immediate neighbourhood in which he lived. A soldier, who waited on the mess of his regiment, stole, or was said to have stolen, certain spoons belonging to it. A court-martial was summoned to decide upon his offence—a circumstance on which he should only remark, that it placed the man's prosecutors in the singular situation of his judges. The court martial was held, and the soldier was convicted—justly, he had no doubt—of the robbery laid to his charge. He was sentenced to receive four hundred lashes. The punishment, or he should rather say a part of the punishment, was inflicted; for the man's body was lashed, till the surgeon declared that it was not safe to lash it any longer. In a day or two afterwards an order came for the regiment to move its quarters. The weather happened to be very sultry, and owing to the march, irritated the wounds on the man's back to such a degree, that they became inflamed and subsequently mortified. The man of course died. A coroner's inquest was held upon his body; and the verdict returned by the jury, after a considerable examination into the subject, was, "Wilful murder, committed by some person or persons unknown." But, though it was now three or four years since that verdict had been given, no proceedings had been taken upon it from that time down to the present [hear, hear]. He should like to hear from the noble lord opposite, whether there was any truth in the statement which had been made by an hon. member on a former evening; namely, that when a soldier was punished in the Guards, part of his pay went to the hospital, and part to the fund set aside for the officers' dinners? [Cries of No, no.] He should be glad to hear that such a practice did not exist; but he must again ask, was it the practice, or was it not?

Colonel *Dawkins* said, that he was not in the House at the time when the hon. member for Westminster (Mr. Hobhouse) had brought forward his charges against the regiment to which he had the honour to belong; but, as they had been again referred to, and as they had already appeared in print, he was anxious to say a word or two regarding them on the present occasion. In the first place, he must inform the House, that in the seven battalions of Foot Guards, corporal punishment was scarcely ever inflicted: and, in the next place, that the regimental returns proved beyond all controversy, that in the last twelve months only one man had been flogged in the King's Mews. What, then, became of the stories which had been industriously circulated, regarding the frequent punishments which took place in those barracks, and which were described as so distressing to the ears and minds of the neighbouring inhabitants? In the battalion of Grenadier Guards which had been stationed there for the last six months, there had been only one instance of corporal punishment; and in the battalion of Coldstream Guards to which he had the honour to belong, and which had been there for the six months previous, there had been no instance of corporal punishment whatever [hear, hear]. With regard to the statement of the hon. member for Aberdeen, that when a soldier was under punishment, his pay went to form a fund for the officers' dinners, he would content himself with giving it a positive contradiction. He would, however, tell the House what became of a man's pay whilst he was under punishment. The House would recollect it was only 13*d.* a day. Now, of this sum, 6*d.* a day went to his gaoler, and the other 7*d.* was not drawn, as was supposed. The gallant officer, after congratulating the country on the diminution of corporal punishment in the army, and after attributing it to the liberal regulations of the duke of York, concluded by stating his conviction, honestly and fearlessly, that corporal punishment, in its restricted present state, was essential to the discipline of the British army.

Mr. *Hume* contended, that the diminution in the number of military floggings was not so much owing to the regulations of the duke of York, as to the exertions of his honourable friend the member for Westminster (sir Francis Burdett). It appeared to him to be a contradiction in terms, to congratulate the country on the diminution of corporal punishments in the army, and yet to say, that the army could not exist in a state of discipline without it. With regard to the pay of the soldiers under punishment, he would merely ask one question. Was it, or was it not paid into the stock-purse of the regiment? The noble lord opposite had said, that it was so paid; if it was not, he (Mr. H.) was not to blame for the mistake which he had committed.

Sir *H. Hardinge* also referred to and denied what the hon. member for Westminster (Mr. Hobhouse) had said, on a former debate on this bill, that the cries of the soldiers flogged in the Mews-barracks had been drowned in the roll of the drums. The fact was, that, during the last year, only one instance of the kind had occurred, and that flogging was abolished in the Guards, excepting under very extraordinary circumstances. With regard to the contemptible charge which had been made upon the officers of the Guards, and that too in no very delicate terms, for the pay of the men was said to have gone into "the pockets of the officers," [hear, hear]—with regard to that contemptible charge, he, too, must be permitted to say a few words. He did not suppose that it had originated with the hon. member for Aberdeen; he had doubtles received it from some slanderous military informer, who, to the baseness of being an informer against his own comrades, added the further baseness of having given the hon. member for Aberdeen false information. At the time the charge was first broached in the House, he was not able to give it that direct and positive contradiction which even then he knew it to deserve. But, he was now better informed upon the subject; and he could inform the House, that the money in question went neither into the pockets of the officers, nor into the stock-purse of the regiment. If, by any fault of the quartermaster, it had been accidentally thrown into the stock-purse of the regiment, surely that would not justify any man in saying, that among the officers of the Guards there was a trafficking in military justice. The average quantity of stoppages in a year, in each battalion of the Guards, amounted to about 15*l.* which, divided among the officers, would only give a small pittance to each. Was it likely, then, that a captain in the Guards would be guilty of trafficking in military justice, to obtain 25*s.* or any subaltern to obtain about 9*s.* a year? The idea was too ridiculous to be entertained for a moment. The gallant officer then proceeded to observe, that it was most unpleasant to the officers of the army to be obliged to witness the infliction of this punishment: but, unless the gentlemen opposite would propose some effectual substitute—something that would preserve order amongst the soldiers—he, as an officer, must conscientiously declare, that he could not, consistently with his duty, consent that the discipline of the army should be risked by giving up the present system. But, at the same time that he made this declaration, he felt himself bound to say, that he was as sincere a friend to humanity as any of the gentlemen who took the other side of the question.

Mr. *J. Smith* deprecated the attachment to cruel punishments which prevailed in this country. If they turned their eyes towards France, they would find thirty millions of people governed by law, without any flogging, torture, or personal suffering, except the brand on the shoulder. As they went through the streets of Paris, they might see men undergoing the operation of being branded, without any manifestation of pain; the mark being made, he believed, with some sort of corrosive liquid. It was certainly in our power to improve our own system by adopting the practice of those whom we too often affected to despise. Our army was taken, as the noble lord had observed, from the great mass of the people; but, within the last six or seven years, that people had made a progress in intellectual improvement, which no one could conceive who had not actually witnessed it. This was more especially the case with reference to the manufacturing districts. In those districts, scarcely a man could be met with who did not know how to read. They did not confine their reading to religious books, but perused philosophical and scientific works. He would ask, whether such men as these, when they entered the army, were fit objects for corporal punishment? When gentlemen contended for the system of flogging, he demanded, whether they had tried any other mode for the preservation of discipline? The answer was, that they had not. Now, he would tell them, that until they had tried the experiment, they were not competent to judge of the effect which a milder species of punishment would produce. He stated this from a sense of duty; and, so long as he had a seat in that House, so long would he endeavour to put an end to the infliction of torture on any man for any species of crime. With respect to an observation of his hon. friend the member for Westminster, it appeared to him that it had been very much mistaken. His hon. friend had said that the beating of the drums in the morning was associated in the minds of the inhabitants with the idea of corporal punishment; but he did not assert, that corporal punishment was constantly taking place in the barracks.

Sir *H. Hardinge* said, it was rather unfortunate for the position of the hon. gentleman, that the *reveille* had not been beaten in the morning for a considerable period.

Mr. *J. Smith* knew nothing of the facts. He only stated what he believed his hon. friend had said.

Mr. *Bennet* said, that a representation similar to that of his hon. friend, the member for Westminster, had been made to him last year.

Colonel *Townshend* said, it had been customary formerly, to beat the drum in the morning. But, without any application from the inhabitants, and merely from a spontaneous anxiety for their comfort, for the last six months the *reveille* had not been beaten. When the hon. gentleman said, that whenever the drum was beaten it was associated with the idea of flogging in the minds of the inhabitants, he was entirely at a loss to understand the meaning of so extraordinary an assertion.

Mr. *R. Martin* defended the vote he had given on a former night, in favour of the bill, as it stood. It was admitted on all sides, that the practice of flogging was very much diminished. This was owing to the exertions of the commander-in-chief, who had always expressed it as his opinion, that when the custom of inflicting corporal punishment prevailed to any great extent in a regiment, the discipline of that regiment must be bad. He would not vote for taking away the power of inflicting that species of punishment where it appeared to be necessary. He thought it was much better to leave the business in the hands of the commander-in-chief, who would deal with it as his kindness and humanity dictated.

Lord *Palmerston* said, that his sentiments had been mistaken on one or two points. He was supposed to have said, that this privilege of flogging was a necessary prerogative of the Crown. He had not made any such observation. His position was, that the legislature had recognized the king as the head of the army and navy; that to him was intrusted the sole command and government of the forces by sea and land; and that therefore it rested with the Crown to determine by what code of laws those bodies could be best governed. The hon. member for Nottingham had argued, that corporal punishment was peculiarly unfit for persons reared in the manufacturing districts, because in general they had received some degree of education: but it should be observed, that where large masses of people were collected together in the manufacturing districts, they had not the same simplicity and innocence of manners, which distinguished the agricultural part of the population; and that therefore punishment was more likely to be deserved by the former than by the latter class. He knew that the best proof of the good order and discipline of a regiment was to be found in the infrequency of corporal punishment. Let it, however, be recollected, that he had never contended for frequency of punishment, but had merely argued for the propriety of asserting the power. Much praise had been bestowed on the French army, which, it was said, was governed without punishment, whilst ours was subjected to corporal correction. The conduct of the French army, however, when it retreated from the Peninsula into the south of France, proved the necessity of having recourse to that species of punishment. Their conduct, when they arrived in France, was of the very worst description. They plundered their fellow-countrymen without mercy; they burned villages, and carried devastation with them, wherever they went. Such of the inhabitants as had it in their power fled with their property to places of safety. Such was the description of their conduct given by a French officer; who had also stated, that the British army exhibited a perfect model of good order and discipline and were hailed as deliverers.

Mr. *Hobhouse* observed, that what he had said on a former night was, that it was represented to him that when corporal punishment was inflicted at the barracks, the drums were beaten to prevent the cries of the sufferer from being heard. On that occasion, a gallant officer had expressed his surprise by gesture, and he (Mr. H.) had said, across the table, "not lately." He had been told, that the noise of drums in the morning alarmed the inhabitants, who thought that they were beaten during the infliction of corporal punishment. Such had been their impression; though, no doubt, from what had been said, they were mistaken. The alarm, however, which had been excited in the neighbourhood of the King's Mews, proved that the place selected for barracks was a very unfit one. On one occasion, most certainly, corporal punishment had taken place. It was seen from the tops of the houses; and the story, greatly exaggerated he supposed, immediately got abroad. The consequence was, that whenever the drums were beaten afterwards, it was supposed that an infliction of corporal punishment was going on, and that the sound of the drums was introduced to prevent the cries of the soldiery from being distinguished. With respect to the observations which had fallen from the noble lord on the subject of the retreat of the French army, he thought the circumstance scarcely justified them. It was, he ought to remember, a beaten army, without stores or provisions, and which was obliged to supply its wants by any means that chanced to present themselves. But, what was the case with the British army in the retreat under sir John Moore?

He had been told by British officers, that the discipline and good conduct of the French had been admirably preserved, while the English army abandoned itself to every species of disorder. The manner in which the British army was governed, reminded him very strongly of a story of the Dey of Algiers. Certain individuals wished him to abolish the custom of impaling and roasting: but he refused, observing, that hanging and decapitating would produce no effect at all, and therefore he was obliged to terrify his subjects by the occasional application of impaling and roasting. In the same way that the lash, it appeared, was kept in terrorem over the British army. The noble lord seemed to think that British soldiers would be good for nothing, if that remedy for insubordination were not sometimes applied. For his own part, he did not think the lash was calculated to increase their martial spirit, or improve their moral conduct.

Sir *A. Hope* did not understand his noble friend to say, that the use of the lash was necessary. He had merely argued, that it was proper, for the discipline of the army, that the power of inflicting punishment should exist.

The report was agreed to.

HOUSE OF LORDS.

Friday, March, 12.

SURVEY OF IRELAND.] The Marquis of *Downshire* took the opportunity of addressing a few words to their lordships, on a subject of great importance connected with Ireland. Their lordships attention could not, he thought, be too often drawn to that country; and he would himself lose no opportunity of bringing it before them. He understood that it was intended to have such a trigonometrical survey as had been made of England, extended to Ireland, under the direction of the noble duke at the head of the Ordnance. He was fully sensible of the value of this measure; but he was convinced it would not answer the expectations which existed in Ireland respecting it, if some more minute measurement was not added to the trigonometrical survey. What was wanted for Ireland, in addition to fixing the latitude and longitude of its different capes and headlands, was an admeasurement, acre by acre, of all the counties, parishes, and town-lands in the kingdom. If such an admeasurement were conducted by persons of probity sent from England, unconnected with local prejudices or particular places, it would be a great benefit to Ireland; and if it were not conducted in this way, it would not answer the purposes which parliament and the government had in view. To shew the necessity of some measure of this description, he would mention, that the taxes for the repair of roads, as well as a variety of other taxes, were levied by presentment of the grand juries, according to an acreable assessment, after an old regulation called the Key. This regulation was made upwards of a hundred years ago, and land, which was then of no value, had since been taken into cultivation, and was now worth a great deal of money. It was not, however, so assessed; which made many parts assessed pay more than their due share. He recommended the government to cause a survey of Ireland to be made, which should give the contents of every county and town-land.

HOUSE OF COMMONS.

Friday, March 12.

REMISSION OF TAXES—SINKING FUND—PETITION FROM WESTMINSTER.] Mr. *Hobhouse* said, he rose to present a Petition from the inhabitants of the city of Westminster, on a subject of vital importance to the prosperity and eventual power of this country. These petitioners alleged, that they found from statements made in that House by the ministers of the Crown, that there remained, after meeting the wasteful expenditure of 1823, a surplus revenue of nearly seven millions. Now, the great proportion of that surplus was appropriated to that most fallacious and ruinous project the sinking fund—if fund at all was not a most improper application of the term. In place of relieving or upholding the public resources, its immediate tendency was, to depress the spirits and property of the country at large. Let it not, however, be presumed, that it operated, in any manner, to increase the public strength. That money taken out in taxes from the capital of the nation would, if left in the pockets of this industrious and enterprising people, increase in a manifold degree. These petitioners feared and they feared justly, that this unnatural and unnecessary demand on the people, instead of enabling us, in the event of war, to meet the emergency, would exhaust and leave us less prepared to contend with the difficulties of such a situation. The petitioners felt, that although five millions of surplus taxation, beyond the wants of government, was, at best, a fraction, as compared with the whole debt, yet, being annually drawn in excess from the pockets of the people, it was most oppressive. They complained, also, of the increased expense which the misgovernment of Ireland cost the British people. They stated, that from the taxation of Great Britain, nearly four millions were drawn to uphold misrule, misery, and increasing wretchedness in Ireland. Such was the actual state of a country, blessed in the nature of its soil, and possessing a population characterised for spirit and talent. The House must be convinced that the evil could not continue much longer, and that a remedy must be applied to such a monstrous grievance. His hon. friend, the member for Aberdeen, in his most able statement of last year, had fully established the fact, that giving to Ireland credit for its nett amount of revenue, which he stated at something more than 3,823,000*l.*, there were still taken out of the pockets of the British people nearly four millions, to uphold wretchedness, misery, discontent, and suspicion, in that ill-governed country. Doubts might exist in the minds of some hon. members, as to the causes which led to such a lamentable state of things; but, he defied any Irishman to deny that, from whatever circumstances arising, the situation of Ireland was such as he had described. His own opinion was, that such a state of things was to be attributed to a long-continued system of misrule; for he held it to be impossible that if the affairs of a country were wisely administered, any such disastrous consequences should have so long continued unchecked and unreformed. Perpetual promises had been made that something should be done for Ireland; but those promises had been as perpetually broken. When earl Fitzwilliam was sent to Ireland, it was expected that much good would be effected; but, unfortunately, the recall of that nobleman took place at too early a period to allow of the Irish deriving any benefit from his government. The same ruinous system was again persevered in. Afterwards, a happy prospect presented itself in the appointment of earl Cornwallis to the lord lieutenancy; but again the expectations of the people were disappointed, and the dreadful system of governing by separation was again resorted to. Coming down to our own days, did not his majesty's letter in 1821, recommending conciliation and union among all classes of the people in Ireland, afford joy and hope? Yet nothing was done, and, to the very moment at which he was speaking, nothing had been done; and it was by military force alone, by the sword alone, that the tranquillity of Ireland was maintained. The petitioners complained, that nearly four millions of the taxes of this country went to the support of misrule in Ireland. He trusted, that the necessity of reforming the administration of Ireland would be pressed on his majesty's government by every member connected both with that country and with this. No rational person could doubt for a moment, that if government would apply themselves fairly to the consideration of the state of Ireland something might be accomplished. Although any proposition for measures of improvement might in the first instance be opposed, in the end it would be acceded to. When, the first bill for diminishing the disabilities of the Irish Catholics was brought into parliament it had met with violent opposition. "That measure, however," to use the words of one of the most eloquent orators of that country, "which was almost unanimously opposed in the first instance, was almost as unanimously accepted in the last."

Mr. *Robertson* expressed his utter dissent from the opinions of the petitioners, and of the hon. gentleman, respecting the sinking fund. Under what more favourable circumstances could parliament expect to commence the reduction of the national debt than those at present existing? Were they to go on interminably without making any attempt at its diminution? The sinking fund, he was persuaded, was in the highest degree beneficial to the country and was the main cause of all the commercial activity from which such advantages might justly be anticipated. Were parliament to consent to the abolition of this fund, they would show themselves utterly unworthy of the confidence of the country.

Mr. *Hume* said, he could not conceive that the hon. gentleman had correctly heard the object of the petition. Whatever the hon. gentleman might think of the sinking fund, he would assert, and when the time came, if the hon. gentleman would lend him his attention, he pledged himself to prove it, that we had not one pound of a real sinking fund. It was all a delusion throughout. But, to another part of the petition he hoped the hon. gentleman had attended, and to that he trusted he would not object. If it was, as he said it was, his wish to reduce the national debt, he surely could not object to reducing the national expenditure by which that wish could be so readily accomplished [hear]. The hon. gentleman said, "hear." Well, then, the petitioners asserted, that above three millions were annually expended upon, not the government, but the misrule of Ireland; and they prayed that no more money should be laid out for so useless a purpose. There was no country in the world so ill governed as Ireland. The hon. gentleman was acquainted with the customs of other nations—of China and Japan—but he believed that in all his researches and travels he had never met with an instance of such misgovernment as had prevailed in Ireland for the last century. Even in the Philippine Isles, which the hon. gentleman had visited, there was a more just administration of law, if the difference in the moral condition of the people was taken into account. In what way was the money spent? Not for the benefit of the people of Ireland, but for keeping up insurrection acts, and other parts of a system of coercion. He could not help expressing his regret that his hon. friend had presented this petition in the absence of all his majesty's ministers, because it appeared to him to relate to matters of such importance as to demand the serious attention of government.

Mr. *John Smith* said, it was undoubtedly true, as stated in the petition, that this country paid above three millions in taxes to carry on the government of Ireland; and it was equally true, that the people of Ireland were incapable of paying that sum for themselves. It appeared to him, therefore, to be incumbent on parliament to inquire into the cause of so extraordinary a circumstance. So long as the present difference of opinion on matters of religion existed in that country, and the consequent disturbances were to be apprehended, people who had capital, which they might and which they would advantageously employ in Ireland, were deterred from making any such experiment. It was his sincere opinion, that until that House adopted measures calculated to settle that question, we should not only continue to pay above three millions towards the expenditure of Ireland, but should find that that important portion of the empire, instead of conducing to our strength, would materially contribute to our weakness. If they had means of employment, he was persuaded that no people living would be more disposed to industry, and from whom all the good consequences that invariably flowed from useful occupation, might more assuredly be expected, than the people of Ireland. He was persuaded, that if those circumstances could be removed, which at present prevented the transfer of commercial capital to Ireland, thousands of unfortunate wretches, who were now in a state nearly approaching to starvation, would be immediately relieved, and would soon be placed in a condition of comfort.

Sir *J. Newport* said, he should be extremely sorry if any one could for a moment suppose, that the circumstance of Ireland not paying the whole expense of her government arose from any other cause than her inability to pay it. Additional taxes had frequently been imposed on the people of that country, but they had as frequently failed. Indeed, it appeared that the greater the number and amount of the taxes the less was the produce of the revenue. From the year 1807, to the year 1816, different finance ministers had imposed new taxes, amounting nominally to four millions; yet, the fact was, that at the end of that period the produce of the revenue was actually half a million less than at the beginning. It was impossible, indeed, that any fiscal measure in Ireland could be immediately productive. The state in which Ireland was, had not grown out of the occurrences of the last thirty or forty years. It was the result of centuries of misgovernment. It was impossible, therefore, that evils of such long standing could be suddenly remedied. If the present were the last words he should ever speak, he would state, that there would be no peace for Ireland—no happiness for the empire—until religious opinions were put on an equality, by doing what he had again and again and again stated must be done; namely, rendering persons of every religious persuasion in that country eligible to share in all its civil rights. He did not mean to say that any particular class should be preferred, but that all classes should be rendered eligible, and that thus the existing line of demarcation should be entirely done away with. Until that should be done, the impediments to the transfer of commercial capital from this country to Ireland, of which the hon. member for Midhurst had so well spoken, must continue to exist.

The petition was then brought up and read as follows:—

"The Petition of the undersigned Inhabitants of the City and Liberty of Westminster

"Sheweth, That your petitioners have seen a statement, which they have been informed and believe was laid before your honourable House on the 12th day of February, 1824, as follows, viz. :—

"Total nett income and expenditure of the United Kingdom of Great Britain and Ireland, in the year ending 5th Jan. 1824.

	£	s.	d.
"Income paid into the Exchequer...	57,672,999	8	4½
"Expenditure......	50,962,014	17	11¼
"Leaving a surplus paid into the Exchequer over and above expenditure of	6,710,984	10	5¼

"Whence it appears, that the people have been taxed to the amount of nearly seven millions sterling more than was necessary to meet the current, and as they are satisfied, wasteful, expenditure of the year 1823.

"Your petitioners have also heard and believe, that five millions of the surplus, thus raised by taxes and imposts on the people, is intended to be paid in discharge of the public debt, to which your petitioners beg leave to object, believing as they do, that if the money were left in the pockets of the people, instead of being taken out by tax-gatherers, it would be more usefully and productively employed than in paying off debt. That paying off debt, contracted in large masses, by driblets, is merely making a show to no beneficial purpose whatever, while the people are compelled to pay the same amount of taxes whether small portions of the debt be paid or not.

"That although 5,000,000*l.* is a small sum in comparison with the amount of the debt, it is nevertheless a large sum for the people to pay in annual and unnecessary taxation.

"Your petitioners have seen statements which induce them to believe that the expense of governing Ireland costs about four millions sterling more than the whole revenue of Ireland produces, and consequently, that the people of Great Britain are taxed in that sum on account of Ireland. Your petitioners beg to call the attention of your honourable House to this subject, since they cannot understand why Ireland should not raise a revenue equal to the expense it occasions. Your petitioners complain, 1. That taxes are extorted from the people of Great Britain, not for the good government of Ireland, since that country appears to them to be worse governed than any other country on the face of the earth. 2. That these taxes are not applied to benefit the people of that most unfortunate country, since they are ill-used and wretched beyond the power of description. 3. That the sum extorted, by means of taxation, from the people of Great Britain, on account of Ireland, neither produces good government, nor benefits its wretched people, but is wastefully expended in places, pensions, patronage, and jobs. 4. That your petitioners feel it to be a great, a singular, and unparalleled grievance, that, in addition to their other heavy burthens, four millions sterling should be extorted from the industrious and sober people of Great Britain, for the support of the present system of mis-rule in Ireland.

"Your petitioners therefore pray, that your honourable House will take the allegations contained in this petition into your most serious consideration, and will be pleased to remit taxes equal in amount to the surplus of revenue above expenditure; and further, that your honourable House will also be pleased to remit taxes from those levied on the people of Great Britain, equal in amount to the sum paid by Great Britain on account of Ireland, over and above the amount of revenue raised in Ireland."

Mr. *Hobhouse*, on moving that the petition be printed, observed, that he had had the petition three nights in his hand, but had not seen any of his majesty's ministers in the House before five o'clock, the hour by which petitions must be presented. He certainly agreed with his hon. friend, the member for Aberdeen, on the importance of the petition, relating, as it did, to the remission of taxation. Since he had made his motion, for the repeal of the window-tax, he had received numerous letters pressing the necessity of urging it.

He was sorry that he had brought that motion forward at so early a period, but he had thought it his duty to do so, before the final estimates for the year were voted, and before the chancellor of the Exchequer's plan was settled. Notwithstanding the ill success of that motion, he hoped the number of petitions which were pouring in from all parts of the country, would draw the attention of the House to this subject, and have the effect of changing the determination of the right hon. gentleman. In what had been stated by the hon. member for Waterford, he entirely concurred. He would state one fact as a proof of the manner in which matters were managed in Ireland. In the Irish estimates there appeared the sum of 9,700*l.* for the education of the whole of the Catholic priesthood in that country, and another sum of 89,000*l.*, or nearly ten times as much, for the maintenance of the military force. That so much greater importance should thus be attached to influencing the people of Ireland by the latter than by the former means, afforded sufficient testimony of the vicious character of the system that prevailed in that unhappy country.

The petition was ordered to be printed.

LINEN BOUNTIES.] Colonel Trench moved for "a return of the weekly sales of Linen at the different markets in the provinces of Munster and Connaught, for the last ten years."

Mr. *Brownlow* hoped that the chancellor of the Exchequer would consider the expediency of delaying the repeal of the linen bounties until the month of July, 1825.

Mr. *Maberly* could assure the right hon. gentleman opposite, that owing to the circumstance of his not having duly considered the propriety and expediency of repealing the bounties upon the linen trade before he had come down to the House the other evening with his proposition upon that subject, he had occasioned, in some parts of the kingdom, very great inconvenience and distress. He had no hesitation in saying, that in consequence of the right hon. gentleman's exposition of his plan for rescinding the bounties allowed upon Irish linens—which bounties upon the low-priced linens amounted to 20 per cent. on the value—upwards of 40,000 hands had been suddenly thrown out of employ. He mentioned this fact only to show the chancellor of the Exchequer how improper it was, to promulgate any scheme of this nature, without having first well digested it, and availed himself of every information upon the subject that could be obtained. Never, surely, had any public measure been so little considered before its promulgation, as that of taking off the bounties upon low-priced linens. Its effect had been, to put almost a stop to the trade which furnished the support of so many of the poorer classes in Scotland and Ireland. It was to be hoped that the right hon. gentleman would allow himself more time in the preparation of extensive measures which were to affect such large interests. In the present instance, he seemed to have proceeded most unadvisedly. It was also to be observed, that by reason of the high duty upon hemp, the low-priced linen-manufacturers were compelled to use flax. The duty upon hemp was as high as 36*s.* per cwt. upon the value. Now, the right hon. gentleman should have known, that if he proposed, by withdrawing these bounties, to benefit the trade, he ought at the same time to have remitted the whole of the duty upon hemp. The House might rest assured, that, in point of fact, the bounties in question were no more than drawbacks, to which these manufacturers were as much entitled as any other description of manufacturers could be. At present he would say no more, because he should shortly have to present a petition to the House, connected with the important topic to which he had been adverting.

The *Chancellor of the Exchequer* said, there could be no objection to grant the returns which had been moved for, but he had really no idea that any such motion was to be made, and had still less anticipated the discussion it had occasioned. If the right hon. gentleman wished him to give any answer to his observations upon the proposed alteration respecting the linen bounties, he would observe that that answer would most properly be given in the committee; in which those hon. gentlemen who were not satisfied with the intended arrangements would be enabled to state the grounds of their dissent. For himself, he would confess, that at present he was hardly prepared to go into the subject.

The motion was agreed to.

IRISH BANKERS.] Sir *H. Parnell* rose to present a petition, signed by several wealthy and respectable merchants and bankers of Belfast, praying for an alteration in the laws relating to bankers in Ireland. He begged the chancellor of the Exchequer's particular attention to the matter of this petition, which originated out of an act passed in the session of 1821, for effecting certain alterations in the charter of the Bank of Ireland. The evils of which this petition principally complained were certain disabling clauses, as affecting the power of bankers to alienate and dispose of their property, contained in an act passed in the 29th of George 2nd. Of that act he would only observe, that no system could be more ingeniously devised to prevent opulent and respectable persons from establishing themselves as bankers in Ireland.

The *Chancellor of the Exchequer* certainly considered the subject to which the petition pointed, as well deserving that serious attention which he for one was disposed to give to it.

Sir *J. Newport* thought that the House might not be aware of the nature of that act; for it was an Irish one, passed before the statute known as the "Bankers' act." The consequence of this was, that two distinct codes prevailed in one kingdom, in respect of bankers. He need only mention one clause of the act of George 2nd. to show how necessary was the revision of the law upon this subject. It was enacted, that no person intending to trade as a banker should be enabled to make any settlement upon his son or his daughter, his grandson, or his grand daughter, even for a valuable consideration; but that all such settlements should be absolutely null and void.

Mr. *Irving* thought that no subject could be taken into consideration the result of which would be more likely to prove beneficial to Ireland, than the propriety of making an alteration in the laws affecting bankers in that country.

Ordered to lie on the table.

ANNUAL DUTIES BILL—FOREIGN BRANDIES.] The House having resolved itself into a committee on the Annual Duties bill,

Colonel *Davies* said, that it might be convenient, if he brought forward his amendment, to alter the duty on Foreign Brandy and Spirits, in the first instance. It affected a large portion of the population, and he felt satisfied, that if the imposts were considerably lowered, the revenue arising from them would be so augmented by the increased consumption, that the chancellor of the Exchequer would find himself in a condition to repeal taxes pressing heavily upon the lower orders. The whole system of our fiscal regulations was abominable, since they afforded the strongest temptations to crimes of every kind, fraud, perjury, treachery, and even murder. To alter them at once might not be easy, but they ought, at least, to be changed by degrees, and he was bound to do ministers the justice to say, that he believed it was only necessary to point out the evils to produce a disposition, if possible, to remedy them. All that the chancellor of the Exchequer had said upon this part of the subject, when he so eloquently brought forward his plan of finance, was worthy of a wise minister of an enlightened country. The great mass of smuggling was not in the light articles from which the prohibition had been removed, but on wine and brandies. If the chancellor of the Exchequer would reduce the duties on wines and brandies, not only would more money be brought into the Exchequer by the increased consumption, but the expense of collection would be diminished, and a permanently beneficial influence would be produced upon the lower orders. The extravagantly high duties on foreign spirits and other articles of daily consumption, induced many persons to embark large capitals in the contraband trade. By the very high profits they made when they succeeded in securing a cargo, they were enabled to give high wages to all those who assisted them in landing it. The consequence was, that whenever a ship so laden appeared off the coast, the whole of the peasantry were ready to assist in landing and secreting her cargo, confident that they were to be well paid for the risks they ran. The demoralizing effects of such a trade upon the manners and habits of a people were too well known and admitted to render it necessary for him to describe them. It had been truly said on this subject, on a former occasion, by the hon. member for Taunton, that one consequence of our high duties on foreign spirits and other articles, was to place nearly the whole of the southern coast in a state of civil war. The effect of a discovery on some of the individuals themselves was most ruinous. If a man were detected carrying a keg of contraband spirits, he was taken before a magistrate, fined 100*l.*, and in default of payment was impressed on board one of his Majesty's tenders. Was it, he would ask, wise or politic thus on the one hand to punish with such severity crimes to which so many temptations were held out on the other? The revenue laws, he contended, were calculated in many respects to defeat their own object. Such exorbitant rewards were given for the discovery of smuggled spirits, that persons engaged in the contraband trade were even known to cause information to be given against themselves, in order to come in for a share of the reward, which was sufficiently large to cover the expenses they had gone to, and leave a handsome profit on his adventure. This was not merely a supposed case; for it was not long ago that two officers were convicted of a collusive seizure, having planned with the smuggler that he should land his goods on a certain spot, in order that he might have them seized, and share in the reward on the seizure. Even in a financial point of view, these high taxes on foreign articles of daily consumption were most impolitic. He could show that since the duty on foreign brandies had been increased, the consumption had become less, and the revenue proportionably diminished. In 1806, when the duty was 12*s.* 6*d.* a gallon on foreign spirits, the produce of the duty was 1,463,000*l.* In 1810 it was increased to 15*s.* 1½*d.*, and the quantity imported was greatly reduced, but the produce increased to about 1,500,000*l.* This increase, though small, encouraged the chancellor of the Exchequer, who thought a still further increase would be a ready way of increasing the revenue. In 1811, the duty was raised to 19*s.* 1½*d.* and the produce fell off to 177,000*l.* In 1815, it was reduced to 17*s.* 9*d.* and the produce increased; but it was only 815,000*l.* being even yet not much more than half the produce in 1810, when the duty was lower. The same result of an increase of duties was seen in wines. In 1806, the produce of the duties was 1,267,000*l.*; the rate of duty had since been increased 30*l.* a pipe on French, and 20*l.* on other wines, and the produce had decreased to 1,020,000*l.* —a loss of nearly 200,000*l.* to the revenue and a reduction of a third of the quantity consumed. Before the committee on Foreign trade, one of the most eminent merchants had stated, that he had been formerly in the habit of importing a great quantity of French wines to prepare for the colonial market; but he had found the increased Excise and Custom duties on the foreign brandies necessary to prepare the wines for re-exportation so heavy, that he had transferred his establishment to Holland; so that all the employment thus given to industry in this country by the manufacture was lost, and there could be no doubt that the same motive was continually operating in a multitude of instances. What he proposed at present was, merely to bring back the duties now to the scale at which they stood in 1810, with a view subsequently, as speedily as was practicable, to bring them down to a still lower rate, probably to the rate of 1806. But the way in which this proposition was particularly worthy of attention in a financial point of view was, from the effect it would have on the expense of collection. For as the temptation to smuggling had increased with the increased duties, so had the expense of collection increased. In 1806, the rate of the expense of thec ollection of the Custom duties, was 5*l.* 4*s.* 7*d.* per cent. In 1822, it was 8*l.* 7*s.* 8*d.* per cent. The expense of collection in the Excise was, in the former year, 3*l.* 0*s.* 7*d.* per cent; in the latter, 3*l.* 15*s.* 5*d.* per cent. In Ireland the expense, per cent. in 1806, on the collection of both duties, was 10*l.*; in the year 1822 it had risen to 17*l.* If the expense of collection could be reduced to the rate per cent, at which it stood in 1806, there would be a saving of no less than 986,000*l.* He admitted that in war, when the intercourse between this and the countries of the continent was more limited, and when the large naval force, in the Channel, acted as a guard against smugglers as well as against the enemy, there were less facilities for smuggling, and he therefore did not calculate that a reduction of duties would reduce the expense of collection by the whole sum of 986,000*l.*; but it no doubt would to a great extent. They might, for instance, reduce nearly the whole expense of the preventive service, which had not been thought of, and had not been necessary, at a former period. He would conclude by proposing, as an amendment, a reduction of 1*s.* 10½*d.* per gallon in the duty on foreign brandy, and he would do this with a view to progressive reduction. He felt satisfied, that so far from diminishing the revenue of the country, this reduction would be found to increase it; and if that should prove to be the case, the House might afterwards consider of a further reduction.

After a few words from the chairman as to the form of the amendment, The *Chancellor of the Exchequer* said, it seemed to him, that the hon. member did not clearly understand the nature of the bill before the House. It was a bill to renew an act which would expire on the 24th of March, which act was a continuation of another, granting certain duties for one year. The duties now in question were increased in 1807, as war duties. They had been modified in 1815, and since then had been continued from year to year. The present bill did not specify the amount of the duties; it only went to continue the original act, in which they were detailed. He did not see, therefore, how the hon. member's object could be answered, by moving for the reduction of a specific duty, when the amount of that duty was not mentioned in the body of the bill to which his motion was to be an amendment. The best way in which the hon. member could shape his motion would be, to call upon the House for the repeal of so much of the duty permanently. It was this feeling which, on a former evening had made him suggest that a similar mode should be pursued with respect to the duties on rum. It appeared to him, that it would be very difficult for the hon. member to accomplish his object in the way he proposed; and he did not see how he could assist him.—He would now say a word or two on the motion itself. He admitted that the duty on foreign spirits was very high; but he thought the present time was not the proper one for making any reduction in them, for such reduction must operate to the prejudice of the manufacturers of British spirits. It might, perhaps, be said, that it would be well to make a reduction in the duties on British spirits also. Perhaps it might be so; but that, it would not be denied, was a great question: and it would not be wise to go into it now, until we had seen the effect of the reductions which had been made in the duty on spirits in Ireland and Scotland. No man, he thought, would deny that it was desirable to have the duties on ardent spirits as high as they could be safely collected. In a moral point of view, there were questions connected with it, into which he would not then enter, but the discussion of which would show the dangerous effects of too free an access to the use of ardent spirits among the people. Besides, the loss to the revenue, from both reductions, would be more than could at present be spared. The hon. member had said, that the reduction would tend to check smuggling. He would admit, that if the duties were reduced to the standard of 1806 or 1810, the reduction would very much diminish the temptation to smuggling; but then, the hon. member's motion would have no such effect. The reduction of 1*s.* 10½*d.* per gallon would be only putting so much money into the hands of the manufacturers, without any sensible advantage to the consumer, and certainly without any chance of checking the exertions of the smuggler. He therefore could not consent to the motion. It was not the proper time for the consideration of such a question. He would admit the principle, that it would be good to remove all high duties as far as practicable; but then they could not be reduced all at once. Besides, if the revenue could afford it, there were other articles which might be said to be the luxuries of the poor, of which he would prefer reducing the duties, rather than that to which the hon. member's amendment referred. The tax on Tobacco, for instance, was very heavy; so was that on tea; and if he thought he could go further than he had done in the way of reduction, he should be more ready to reduce the duties on them, than on the article which the hon. member had suggested.

Mr. *Hume* said, that on the chancellor of the Exchequer's own principle, he ought to go further than he now professed himself willing to go. He had already made a reduction of three shillings per gallon on Scotch spirits, and a reduction also upon Irish spirits; and, as far as the result of that measure was already ascertained, it was found to be most favourable to the revenue. The amount of revenue derived from it was, in the last quarter, 50,000*l.* more than in the corresponding quarter, when the duty was three shillings higher. There was no branch of our internal industry, which was so mismanaged as the distillation of spirits. It was a complete monopoly, and the profits arising out of it had never perhaps been greater than they were at this moment. He understood that the reduction of the price in Scotland had so increased the demand, that the distillers in that country were unable to supply it; one half of the spirits distilled in Scotland came into this country. The system of smuggling had taken a new direction; it was now as active from Scotland to England, as it had ever been before from Holland to this country. He had taken occasion last session to deprecate the absurdity of preventing the importation of whiskey into England. He had stated at that time, that he had whiskey in his house: he avowed that he had smuggled whiskey in his house then, and he avowed it still; for if such foolish laws were made, they ought to be broken. He would continue to break such a law; and let them find him out if they could [a laugh]. He had refused last year to be a party to the absurdities which were sanctioned by the right hon. gentleman opposite. The hon. member went on to observe, that the partial repeal of the duties in Scotland, had done away with smuggling between that country and Holland, but had increased the smuggling between Scotland and England. Let the chancellor of the Exchequer lower the English duties, and he would put an end to English smuggling on that side. Let him not be afraid of the great distillers. They had always fastened themselves like a night-mare on chancellors of the Exchequer. He was credibly informed that there were several large distilleries about to be established within ten miles of the English border, from which, no doubt, Scotch whiskey was to be poured into this country by wholesale. Let the duties be equally reduced in the two countries, and a stop would be put to the practice of smuggling, and the revenue would be considerably increased. They had already seen the effect of a reduction of duties in the increase of revenue; but this did not proceed from more whiskey being drunk than before, for the actual consumption would be found to be pretty nearly the same. The chancellor of the Exchequer, by his half measures, was the prime agent and mover of smugglers. He was not the principal smuggler, but it was his mode of proceeding which held out so many inducements to that class. He (Mr. Hume) could by no means consent to the proposition that ardent spirits should be taxed highly. He did not see why every poor man should not have whiskey within his reach, as well as the rich man was allowed to have wine, when he could pay for it. It was, he believed, the difficulty of coming at the spirits, by the high duties which were placed on them, which caused the temporary excesses of many persons when they got it within their reach. Let the duties be abolished, and the spirits placed within the reach of all, and he was satisfied there would be an end of the occasional excesses which we now witnessed. He thought his hon. friend had done right in bringing forward this subject; but he certainly had not gone half far enough. If the chancellor of the Exchequer would bring in a bill similar to that of last year, to reduce the duty on British and Foreign spirits, he was persuaded that it would put an end to smuggling, and that the quantity of spirits drunk would not be increased, but that all which was consumed would pay the duty. The more important this subject was, the more immediate was the necessity of bringing it under the consideration of parliament. It would, perhaps, be scarcely worth while for his hon. friend to press his motion, as the chancellor of the Exchequer had acknowledged that he was right in principle; he hoped, however, that the right hon. gentleman would shortly act upon that principle.

Colonel *Davies* denied that the British distillers would be endangered by the moderate reduction which he had proposed on foreign spirits. The question, as it regarded the morals of the people, had been ably argued by his hon. friend. He did not believe that one gallon more of spirits would be drunk in consequence of the reduction of duties. As to the observation of the chancellor of the Exchequer, that his proposition did not go far enough, he should be perfectly ready to agree to any further reduction to which the right hon. gentleman might be disposed to consent. As his object in bringing forward this motion was to promote the discussion of the question, and that object had, to a certain extent, been attained, he should not press his amendment to a division.

Mr. *Bennet* trusted, that ere long the right hon. gentleman would remove the evils arising from the anomaly of one system of laws being acted upon in Scotland and Ireland, and another in this country. With respect to the moral effect of the measure, he was satisfied that taxation was a principal cause of the abuse of ardent spirits. In wine countries it was generally observed, that there was no abuse in the consumption of wine; but, in those countries where the governments, by a system of taxation, rendered wine or spirits difficult to be obtained by the consumer, abuses of these commodities universally arose. He denied, in toto, that the reduction of the duties was likely to have an injurious effect on the morals of the people.

Mr. *Kennedy* bore testimony to the value of the measure which had been acceded to last session by the chancellor of the Exchequer, and expressed a hope that the right hon. gentleman would, as soon as possible, extend its benefits to the whole empire. He wished to say a few words with respect to the monopoly of distillation in Scotland. There were only five distilleries at work in Scotland for the whole English market. This was a monopoly of a most injurious kind. He would state a single fact to show the inordinate extent to which it was carried. One large set of works was now idle, and the owners of those works had received 15,000*l.* to abstain from working for the English market. The extension of a free trade in distillation could not fail to promote the agriculture of the whole empire. A large quantity of barley had been sent from England to Scotland in the last year for the purpose of distillation; and the agriculture of England would no doubt derive great benefit from the extension of the system.

The bill then passed the committee.

DOMINICA.] The House having resolved itself into a committee of supply, Mr. Lushington moved, "That 600*l.* be granted to defray the charge of the civil establishment of the island of Dominica."

Mr. *Hume* said, he could not understand why the island of Dominica should not pay its own chief justice; for the 600*l.* was the salary of that officer. He thought that ministers might reduce some useless places in the island, and apply the salaries which would thus fall in, to the payment of the chief justice.

Mr. *Wilmot Horton* said, that if the hon. member would refer to the correspondence which had taken place between lord Bathurst and the principal civil colonial officers which had been printed and laid upon the table of the House in March, 1821, he would there find a statement of the reasons which had induced ministers to call upon the House for the present grant. Ministers did not possess the power of compelling the House of assembly of Dominica to pay the salary of the chief justice.

Mr. *Bennet* said, that if the colony did not choose to pay for their chief justice, they ought to go without one. He believed the ground taken by the colonists, in their correspondence with lord Bathurst, was, that while the government of the colonies was administered in so unjust and oppressive a manner, they would not pay for their civil establishments. Under these circumstances he thought the House ought not to be called upon to vote this sum of 600*l.*

Mr. *W. Horton* said, that the government would have taken a very serious responsibility on themselves, if they had deprived this colony of the services of the chief justice. There were many considerations which rendered those services necessary in the highest degree. In many cases it became the duty of government to attempt to force a civil establishment on colonies, to which the colonists had no disposition. He trusted, however, that ere long, the colony in question would be able to pay this small sum.

Colonel *Davies* objected to the general impolicy of our colonial system, and complained, that appointments in the colonies were made the objects of patronage.

Mr. *Hume* said, that the importance of the duties which the chief justice had to perform was no reason why the people of England should be called upon to pay for his services. If they were important, they were worth paying for by the colonists; and if they were not worth paying for by the colonists, that was a reason why the people of England should not be called upon to pay for them. The charges for the colonies, to be just, ought to be equal. There was no chief justice at St. Lucie or Jamaica; no civil establishment was paid for in those islands. The principle of taxing the people of England for the civil establishment of the colonies was so unjustifiable, that he would take the sense of the committee on the subject.

The *Chancellor of the Exchequer* said, that by far the greater portion of the West-India Islands did pay the whole expenses of their civil establishment, but the island of Dominica was, and always had been, one of the most distressed spots in the West Indies. It had suffered repeatedly from violent hurricanes, which had destroyed the whole annual produce of the island. Many parts of it were so sterile as scarcely to repay the labour of cultivation. Under these circumstances, though undoubtedly the propriety of the general rule, that the colonies should pay for their own civil establishments, could not be denied, yet, in the case of this small island, which had a difficulty in raising its own supplies, he thought we ought, in fairness and justice, to take upon ourselves the moderate portion of the expenses called for in this vote. The salary to the chief justice was not a matter which merely interested the planters of that island; the office was of essential importance to that unfortunate portion of the population, whose well-being mainly depended on the pure administration of justice. Under these circumstances he trusted the House would not refuse its sanction to the vote.

Mr. *Hume* said, that after what had fallen from the right hon. gentleman, he would not divide the committee on the question; but he would do so next year, if the vote should be then proposed.

UPPER CANADA.] Mr. Lushington next moved, "That 8,229*l.* be granted, to defray the charge of the Civil Establishment of Upper Canada, for the year 1824;" which, he said, was 4,000*l.* less than the sum voted last year.

Mr. *Hume* said, that Upper Canada was only separated by an ideal line from the colonies of the United States, which not only paid the whole expenses of their civil, but their military establishments. It was extremely unfair and unjust, that the people of England should be called upon to pay the expenses of the civil as well as the military establishments of her colonies. Before the people of England were taxed, for the purpose of maintaining a civil establishment in Upper Canada, it was fitting that at least they should know of what that establishment consisted. It appeared to him a most improper appropriation of the public money. The people of Canada should provide for their own establishments. If all the officers who were kept there were useful, let their maintenance be provided for by the legislative assembly; but if, as he believed, they were considered unnecessary, why then let them at once be discharged. But, he believed, the people of Canada would throw upon the shoulders of the people of England, all these burthens (and naturally enough too), if the people of England were weak enough to submit to it. For instance, here we find two sheriffs. Now what had we to do with these sheriffs? Why should we pay the sheriffs of Canada for duties performed there? He should be glad to know, whether they received no fees. If he were rightly informed, they had a very ample income. Again, we had a secretary and a registrar to provide for. He should be glad to know what duties they performed. Did they send home any accounts to this country? Next came a clerk of the council, an officer appointed for the assistance of the local government. Then we find a surveyor-general of the land. Why, what became of all the money which was received for the sale of land? The United States derived a revenue of some millions a year from the sale of land; and if the British government would begin to sell the lands near the presidencies and the large towns, those lands would become productive. He had expected, after all the information which the hon. secretary opposite had received—after what had been clearly stated by Mr. Gourlay, an eye-witness, as to the capability of those colonies to defray their own expenses—that the House would not now be called upon to pass such an heavy item. He found, too, 100*l.* for a naval officer. Did he reside in England? He believed that the people of England were called upon to pay him his salary for doing nothing. These naval officers were appointed when there were no collectors of customs, and they had been continued ever since. The people of England had no more to do with these officers than the inhabitants of Ceylon or Calcutta. Then there was an agent, with a salary of 200*l.* a year. He should be glad to know what he had to do, or where he resided? In fact, he looked upon all these items as objectionable; and if the committee would only agree to refuse this vote, they would find that a proposition would be submitted to the legislative assembly, to make provision for their chief justice, their attorney-general, and other officers, if they considered their maintenance necessary; and there could be no question that they would reply, "we have a necessity for these officers, but there are others with whom we can dispense, and we will keep those we most want." He should therefore feel it his duty to take the sense of the Committee upon this item, on the ground, that we had no right to defray the expenses of a colony, which was as rich as the United States, and better able to bear their own burthens than the people of England.

Mr. *Wilmot Horton* said, that the hon. gentleman rested his opposition to this vote upon the ground, that the people of

England were called upon to defray the expenses of useless offices. Now, this was a perfectly incorrect statement of the case. Up to the year 1816, all the expenses of that colony were borne by this country. Was it fair to compare with the United States a colony which had not an existence in the year 1790, and which was capable of conferring great benefits upon this country? The whole argument of the hon. gentleman might be resolved into this simple question—"Is there any office in the colony that ought to be abolished?" Now two-thirds of the expenses were raised by the colony itself. The aggregate expenditure amounted to 30,000*l.*, of which sum 20,000*l.* were furnished by the colony; and he thought it would be unjust in their present condition to call upon them to supply more. Last year, when a proposition had been submitted to the House to unite the two Canadas, which measure, if carried into execution, would have completely done away with the separate expenditure, the hon. gentleman was one of the first to oppose it. If the hon. gentleman meant to lay down the principle, that the colonies were no advantage to the mother country, that would let into the consideration of the House a very extensive and important question; namely, the propriety of abandoning those colonies; but that was a subject quite foreign to the object now before the House, which was the consideration of the colonial estimates. The hon. gentleman had talked of the profits arising from the sale of lands; but, was he ignorant, that these lands produced no pecuniary value, but were granted to those who would undertake their cultivation? The question which the House had to look at, was the total expense of the civil establishment of Upper Canada, viewed in relation to her resources and the necessity of maintaining a local government. Now, was the general expense of the colony more than should be borne? Was it more than the mother country should contribute to a colony, as yet in an infant state? The hon. member had asked, what advantage we derived from this colony? This was not the question which the House had to discuss; but, if the hon. member would give notice of a motion, having for its object the abandonment of these colonies, he would soon see the kind of feeling it would produce throughout the country. It was difficult to estimate the value which the country derived from her colonies. The hon. member for Aberdeen seemed to think that there could be no advantages produced, unless they could be shewn to him arithmetically on a balance sheet. But, in speaking of our colonial system, he always felt that he was speaking of the wealth, the power, and the commercial resources of the empire; and he was persuaded that, enlightened as the country now was by sound and rational principles of political science, the nation would be able to appreciate her colonial advantages, even though their precise pecuniary value could not be demonstrated on a balance sheet. These were the real principles by which the extensive interests of a country like this ought to be estimated; and the hon. member would perhaps do better to consider the subject in that point of view, than in dealing in generalities, or pinning his faith on the information of Mr. Gourlay. However, agreeing with the hon. gentleman in the principle, that the first object of the government should be to diminish the expense of our colonies, but denying the wisdom of withdrawing our support from them whilst in a state of infancy, it would be sufficient for him to say, that it was the determination of the government to support every plan by which their improvement could be promoted. If the House should refuse the present vote, they would inflict incalculable evil. Every effort should be made to promote the prosperity of these colonies, and that could only be done by affording them present assistance.

Mr. *Grey Bennet* said, it would be well for the House to examine the system that was acted upon in the settlements of the United States of America. They defrayed the expenses of their own establishments, and all that his hon. friend had proposed was, that the people of Canada should follow the example of their neighbours, and consent to pay for the protection of those laws which they enjoyed. They should at least pay, as their neighbours paid, for a government which was respected and beloved by the people. For a good and sound government, such as their neighbours had the happiness to enjoy, they would most cheerfully contribute. But when they saw the enormous church establishment, which they were called upon to support; when they saw the great anxiety which prevailed to introduce into the new world all the follies and curses of the old; they were naturally disinclined to advance their money for such purposes. Instead of tithes, the clergy were allowed land; and he understood that in Canada all the lands attached to the church remained untouched, whilst all around were in a state of cultivation. Such a system called for immediate investigation. Whether his hon. friend was quite right in attempting to put down the system at once, was another question; but he was sure that it was the only way to make the government do any thing; for, year after year, the same system was going on. The precedent of this year would be of longer standing in the next; it would then become sanctioned as a custom to maintain establishments, of which our great grandchildren might not see the termination.

Mr. *Wilmot Horton* said, that the hon. member seemed to have forgotten one very essential circumstance; namely, the war in Canada, and the militia pensions which it necessarily created. Was it not fair and just that this country should continue to defray these expenses for some time longer? He was confident that in the course of a very few years, this country would be relieved from the necessity of defraying the expenses of Upper Canada, as the resources of that country were rapidly increasing.

Mr. *Bright* said, he approved of the vote, and was of opinion, that the colony ought to be encouraged, since it might become, in our possession, a counterpoise to the power of the United States. With respect to the sale of lands he did not know that any revenue derived from such a source would go into the pockets of the people. He took it that the proceeds would go to the Crown, and not be disposable by parliament. But, without entering into that question at present, suffice it to say, that it was clearly the policy of this country to advance money at present to the support of this colony.

Mr. *Hume* said, that if so great an improvement was going forward in this colony as had been stated, surely they would not require so large a sum to defray the expenses of their establishments. He was of opinion, that the best policy which this country could pursue with regard to the Canadas, would be, to render them independent at the end of ten years, by which we should be relieved from a large annual expense, and avoid the probability of being drawn into a war with the United States on their account, which might cost us millions. "But," said the hon. secretary—"you do not act fairly; I wish to give this colony good laws, and then leave them to themselves. You opposed the measure of the union." It was true he had done so, and he was proud to acknowledge it; because he conceived that nothing could have been more unjust than to have united Upper and Lower Canada without their consent. He considered it a disgraceful attempt to cheat these colonies [hear!]. Yes, he repeated, "cheat them." It was a disgraceful attempt to do that which he doubted very much whether the House had the power to do; namely, to establish a union between these two provinces without their sanction or knowledge. Was it not the duty of government to ascertain whether Lower Canada had paid to Upper the money which was due? If that had been done, no assistance could be required from us; but he clearly saw the more that was given, the more would be demanded. The people of this country were taxed to support the civil and military establishments of these colonies; but let the House refuse the money, and government would soon make a reduction, and the legislative assembly would resort to their own resources. If the government persisted in sending them out servants which they did not want, the extravagant expenditure would continue; and upon these grounds, he should feel it his duty to take the sense of the House upon the vote. He regretted the necessity he was under of dividing the Committee to see how many would support him, but he should feel it necessary to do so, unless some hope were held out by the government, of a diminished estimate in the following year.

Dr. *Lushington* said, he could not support his hon. friend, and was therefore anxious to say a few words to explain the reasons which induced him to vote against those with whom he generally acted. You cannot lay down a principle by which you can regulate, whether colonies should be compelled to maintain themselves, or should receive assistance from the mother country. If this country had been too extravagant in her colonial expenditure—a proposition which he was disposed to admit— that was not the place to examine the subject. The expenses could only be examined by a committee up stairs; with any hope at least of arriving at a satisfactory conclusion. It appeared to him rather hard, that the hon. secretary should be called upon, unprepared, to go through the details of the expenditure; and, even if he were prepared, he doubted whether the House would feel disposed to listen to them. With respect to Upper Canada, it happened accidentally to him, to have been made acquainted with the establishment in that country; and from the information he then had obtained, he would say, that nothing could have been more deplorable than the state of the administration of justice at one period. This arose from various reasons; partly from the great extent of territory, the paucity of inhabitants compared with that extent, and the violent feuds which arose, in consequence of the formation of the Hudson's Bay and Selkirk companies. Surely, then, it would be most unwise to diminish the civil establishments of that country. On the contrary, a clear case of necessity had, he thought, been made out for the government to step in and make up that deficiency, which, under the present state of things, it was impossible for Upper Canada to supply. A time, he hoped, would soon arrive, when that colony would be able to maintain her own establishments; but, until then, it would be most imprudent in us to withhold our assistance. Other topics had been touched upon not connected with the subject, and one in particular of great importance; namely, what place Upper Canada would hold in case of another dispute between this country and America. But, surely this was not a time to enter upon the discussion of one of the most important subjects which could come under the consideration of government, and respecting which ministers would incur a fearful responsibility, if they took a single step without maturely weighing all the consequences. For the reasons he had stated, if his hon. friend should persevere in his determination of taking the sense of the committee, he must be under the necessity of voting against him.

Mr. *Bennet* suggested to his hon. friend, the propriety of withdrawing for the present his opposition to the vote.

Mr. *Hume* said, his hon. and learned friend seemed to suppose, that he wished to deprive the colony of Upper Canada of justice. Now, such was not his intention; but his object was, to make them shake off those officers whose services were not required, in order to enable them to maintain those who were necessary. His friends around him seemed to entertain a hope that a reduction would be made in the establishment. He confessed he had no such expectation. However, he would not divide the committee on the present occasion.

SIERRA LEONE.] On the resolution, "That 22,549*l.* be granted to defray the charge of the Civil Establishment of Sierra Leone in the year 1824,"

Mr. *Hume* rose, to ask if any certain information could be obtained respecting this colony. There were various reports in circulation as to its utility. He should like to know what benefit the country derived from the establishment? He had heard that the loss of lives in it was very considerable, and the expense, the House saw, was great.

Mr. *Wilmot Horton* thought the committee was not a proper place to discuss the question, as to the utility of the establishment at Sierra Leone. That was a question of wide import, and was to be considered not merely in a commercial point of view, but in its tendency, as an experiment to promote the civilization of Africa. The House was called on to vote this sum as a consequence of a certain system, and the hon. member might, if he pleased, bring that system under discussion; but this was not the proper time for so doing.

SETTLEMENTS ON THE GOLD COAST.] On moving the resolution, "That 43,926*l.* be granted, to defray the charge of the Civil and Military establishments of the Settlements on the Gold Coast, for the year 1824," Mr. Lushington stated his expectation, that this would be the last year in which it would be necessary for him to ask the House to make this grant.

Mr. *Gordon* observed, that in the year 1817 a committee had examined into the state of these settlements, which at that time were under the management of the African Company. Now, as that company had been established for the better promotion of the slave trade, it became matter of consideration with the committee, whether these settlements ought not to be abandoned, seeing that the objects for which they were established had been declared illegal by the legislature. It was, however, determined that they should be kept up, for two reasons; first, because they were calculated to promote commerce and civilization among the inhabitants of the countries in which they were situate; second, because they afforded the most tangible means of obtaining information regarding the interior of Africa. He wished to know whether these two objects were now attended to.

Mr. *Wilmot Horton* observed, that these objects still attracted the notice of government. He had no hesitation in saying, that, notwithstanding the Ashantee war, the natives in the neighbourhood of these settlements were in a state of slow but progressive improvement. He looked upon these settlements as experiments on a great scale, which ought to be judged of rather by their ultimate results than by their immediate progress from year to year.

Colonial Services.] On the resolution, "That 2,442*l.* be granted to defray the expenses of certain Colonial Services, formerly paid out of the extraordinaries of the army, for the year 1824,"

Mr. *Hume* observed, that he had expected never to have heard of this grant again. With regard to the salaries paid to the private secretaries of the governors of Barbadoes, and the other West-India islands, amounting altogether to 1,822*l.*, he had no hesitation in saying, that the country ought to be relieved from them altogether, as they were in possession of a considerable income arising from their fees of office. If he did not receive some satisfactory assurance upon this subject, he should move as an amendment, that the amount of these salaries be deducted from this grant.

Mr. *Wilmot Horton* observed, that the hon. member seemed to be confounding the private secretaries of the governors with the public secretaries of the island. The latter functionaries did, it was true, receive fees; but the former received none, their emoluments being confined to the sum of 10*s.* per diem that was paid to them. He contended, that a private secretary was an indispensable adjunct to a West-India governor.

Mr. *Hume* thought that the explanation of the hon. secretary was any thing but satisfactory.

Mr. *Goulburn* said, it was absolutely necessary for every governor of a West-India island to have a private secretary. Their emoluments were barely sufficient to support the rank and station which they were called upon to fill; and, as that was the case, the public could not do less than pay the salaries of their private secretaries.

Mr. *Grey Bennet* observed, that his hon. friend (Mr. Hume) and his private secretary had rendered more service to the public than all the public men with all their private secretaries under the pay of government. He hoped his hon. friend would take the sense of the House on the question.

Mr. *Hume* said, what he complained of was, that the governors of the colonies did not call on the houses of assembly to pay their private secretaries if they wanted them. He did not see why Barbadoes, St. Kitt's, and other places, should call upon this country to support private secretaries for them, when New South Wales had hitherto done without one. He concluded with moving, "That the grant should be reduced to 620*l.*"

The committee then divided: For the amendment 21: For the original motion 93: Majority 72.

List of the Minority.

Bernal, R.
Colburn, R.
Davies, col.
Fergusson, sir R.
Guise, sir W.
Hume, J.
James, W.
Lamb, hon. G.
Lockhart, J. J.
Maberly, J.
Maberly, W. L.
Martin, J.
Monck, J. B.
Robarts, A. W.
Robarts, col.
Robinson, sir G.
Sefton, lord
Webb, colonel.
Whitbread, S.
Wood, ald.
Wrottesley, sir J.

TELLER.

Bennet, H. G.

Propagation of the Gospel in the Colonies.] On the resolution, "That 15,532*l.* be granted, to defray the charges of the Society for the Propagation of the Gospel in the colonies of Upper and Lower Canada, Nova Scotia, New Brunswick, Newfoundland, Prince Edward Island, and the Cape of Good Hope, for the year 1824,"

Mr. *Hume* rose to object to this money being placed in the hands of this society. He had on a former occasion stated two instances of its neglect and misconduct, and he could not but feel strong surprise at hearing it again proposed to intrust so large a sum to its control. In a published account of its expenditure, it was stated, that the managers of the society had given 50*l.* to build a school in Newfoundland. That was in 1818. In 1819, the report which they published contained an assertion, that the school was built, and that scholars were instructed in it. In 1820 that account reached Newfoundland, and then, for the first time, it appeared from letters received from that island, that there was neither school built, books purchased, nor scholars instructed. On this circumstance being mentioned to the directors of the society, they admitted it to be fact, but alleged that it was a mistake. Now, what credit ought the committee to attach to a society which could be guilty of a mistake like this? Another reason why this society ought not to have the control of this money was, that the inhabitants of the town of St. John's, had absolutely refused to lend their churches to the missionaries, on account of their impropriety of conduct. He had likewise heard that it had misapplied the public money in the province of Canada. There was another point which he thought the committee ought to take into their consideration, and that was that the zeal of the prelates who managed this society did not lead them to contribute more than 635*l.*, and that the whole of this sum was consumed in what were called the necessary expenses of the office. Was this, then, a society to which parliament ought to concede the control over 15,000*l.* of the public money? Such a grant, as it would put money into hands unworthy to receive it, was perfectly unwarrantable. Indeed, if they consented to it, they would be substantially throwing the money away. If religious instruction were wanted by the inhabitants of these colonies, let their respective governments furnish it to them. Why were we to give so much to the people of Canada and Nova Scotia, when we did not give any thing like it to the Catholic population of Ireland? Thinking this vote to be perfectly unnecessary, and hoping that many members would be of the same opinion, he should move as an amendment, that the whole vote be withdrawn.

Mr. *W. Horton* said, that looking to the series of years during which this society had performed the duty which was contemplated by this grant, he thought they might safely be intrusted with its performance at present. But, admitting, for argument's sake, that the society were not proper persons to dispose of the bounty of parliament, would they, therefore, withhold this sum altogether? Did they not know that it was absolutely necessary for those provinces? It was true the grant had been usually placed in the hands of the society for the propagation of the gospel; but surely the hon. gentleman must know, that that society was in constant communication with the ecclesiastical and civil authorities in those colonies. He thought the hon. member had not made out any case of the misapplication of the fund, or of misconduct on the part of the society: and therefore he hoped the committee would not be induced to refuse it. The growing population required this assistance. It was, he conceived, a very proper appropriation of the public money. It was usefully bestowed, and ought to be supported.

Mr. *Hume* said, the country, it appeared, was, in addition to the civil and military establishment of those colonies, to support the ecclesiastical establishment. He wondered they were not called on to pay every medical gentleman who proceeded there. Doubtless, their skill would be as beneficial to the bodies of the inhabitants, as the exertions of the clergy were to their souls. Why should not those individuals pay for an establishment, from which themselves alone derived benefit? And they would do so, if these improvident grants were not made. He observed, that a rev. Dr. Inglis, who officiated at Halifax, a large flourishing town, received 400*l.* a year from this parliamentary grant. Other clergymen received severally from the same source 300*l.*, 200*l.*, 100*l.*, and smaller sums for their services. The system was bad in principle; and it became still more objectionable, when they considered the medium through which the bounty of parliament was conveyed.

Mr. *Butterworth* supported the motion. The grant had heretofore done much good, and it would have a mischievous effect if it were now withheld. With respect to the society for the propagation of the gospel, its labours had been beneficial. It was true that it had been exposed to some atrocious impostures, which ought to be inquired into; but, of its general utility, no doubt could be entertained. The grant, in his opinion, ought, if altered at all, to be increased.

Mr. *Grey Bennet* said, it no doubt was very proper that those individuals should receive religious instruction; but the question was, who were to pay for it, the people of England, whose advantage must be contingent, or the inhabitants of the colonies, who received the immediate benefit of religious instructions? Another question was, through whose hands should this grant be distributed? He contended, that it should go through the hands of the responsible authorities of the colonies, and ought not to be intrusted to this nondescript society. It might or it might not be respectable for any thing that had come to his knowledge. But they now knew this from the hon. member who spoke last, a leading authority on these matters, that the society were the most consummate dupes that had ever been heard of. The hon. member had spoken of accounts that would astonish them, and of "atrocious impostures." He would then ask the House whether, without any evidence as to the good done by the society, and with their eyes open to the mischief that had been effected, they would consent to vote this large sum of money? He would not oppose the proposition altogether; but he would vote against placing the money in the hands of the society. It ought to be intrusted to responsible directors of the colony, who might distribute it as they thought proper.

Mr. *Butterworth* said, that his observation as to irregularities was not meant to be general. Many of the most honourable characters were connected with that most useful body.

Mr. *Goulburn* said, that if the hon. member supposed that the whole of the religious establishment of those colonies was supported out of this grant, he was much mistaken. In Canada, tracts of barren land were set apart for the support of the clergy [a laugh]. The country, it should be observed, improved by cultivation, and as fast as those lands became available, they afforded moderate incomes to the clergy, in addition to what they obtained from parliament. But even if the colony made no effort itself, still he contended it was the duty of the mother country to appropriate funds for the purpose of promoting the happiness of the people; which could only be done through the medium of religious instruction. The hon. member for Aberdeen had remarked on the small sum subscribed for this purpose by the great dignitaries of the church; but he should recollect, that those who contributed to this society contributed also to many other most useful institutions. It might as well be said, when the hon. member gave sixpence to a beggar in the street, that his charity extended no further, as that the charity of those reverend persons was confined alone to this society. The hon. member ought to know that government found it necessary to request the assistance of the society, in preference to the employment of their own agents in the apportionment of this grant.

Mr. *C. Wilson* supported the resolution.

Mr. *Monck* looked upon this grant as a great waste of public money. The great majority of the people of Canada, he had always understood, were Roman catholics; and here they were called upon to give a large sum of money to a sect greatly inferior in numbers. The catholics maintained their clergy, and he could see no reason why the protestants should not do the same.

Sir *M. W. Ridley* inquired whether this money was appropriated under the superintendence of the colonial government to the support of the protestant religion, or whether it was distributed amongst those fanatics whose wild doctrines were calculated to do so much mischief.

Mr. *W. Horton* said, that the money was appropriated to the support of the protestant religion only.

Mr. *Hume* said, that that was the most objectionable part of the grant. Why were the catholics of Ireland and the dissenters to be taxed for the benefit of another sect?

Sir *T. D. Acland* defended the society. It had, he said, been a chartered society ever since 1711, and certainly was not established in times which were least favourable to religious feeling. If the committee refused this vote, they would be guilty of two kinds of injustice. They would do injustice to a respectable society long existing in the country, not only without reproach, but which parliament had sanctioned from year to year, and the abuses of which, if any existed, ought to be made the subject of investigation in another manner, and not in the way recommended by the hon. members for Aberdeen and Dover, whom he advised to exercise their united efforts in behalf of the religion of their country, by preferring a regular and distinct motion, embracing the charges to which they fancied the society liable. They would be also guilty of another injustice: an injustice to those meritorious individuals who were doing the work of religion and the church on the other side of the Atlantic, in the full confidence, that the support which they had hitherto received from parliament would be continued. Nothing, certainly, could be more unjust than to withhold from those persons the reward which they had so hardly earned.

Sir *Scrope Morland* also defended the grant.

Lord *Althorp* said, that although he should certainly prefer seeing the grant in the hands of responsible persons, he should be very unwilling to refuse his assent to the vote altogether. If he must, therefore, come to the question, aye or no, he would certainly say that it was better the money should be in the hands of the society, than that it should be refused entirely.

Mr. *Butterworth* said, he had only alluded to some irregularities into which he wished inquiry to be made. With respect to the missionaries, he did not believe that they would be found, when the matter was investigated, to have been inculcating those fanatical and dangerous doctrines to which the hon. baronet seemed to allude. He held in his hand a copy of the resolutions of the hon. baronet's constituents at Newcastle, which showed what they thought on the subject [Cries of "read, read"]. He would not read them in that irregular way, but he would hand them to the hon. baronet.

Sir. *M. W. Ridley* said, that the observation he had made, had been entirely misunderstood by the hon. gentleman. He had seen those resolutions; but as they proceeded from a very small portion of his constituents, and were couched in such language as could reflect little credit on any body, he did not think it necessary to read them. He trusted he had too much taste to touch the question of the missionaries as connected with the West Indies. He would not say a word on this latter subject at present; but, whenever it should come under the consideration of the House, he should be prepared to express his honest opinion upon it.

Mr. *T. Wilson* defended the propriety of the grant, and approved of its being placed under the control of the Society.

Mr. *Grey Bennet* then moved an amendment, which went to place the grant at the disposal of the governors of the colonies.

The committee divided: For the amendment 24: For the original motion 93. A second division took place on the grant itself. For the grant 79: Against it 19.

List of the Minority.

Colburn, R.
Calvert, C.
Davies, col.
Fergusson sir. R.
Gurney, Hudson
Guise, sir W.
Hume, J.
James, W.
Lamb, hon. W.
Martin, J.
Maberly, W. L.
Monck, J. B.
Robarts, A. W.
Robarts, col.
Sykes, D.
Sefton, lord
Wood, alderman
Wilson, sir R.
Whitbread, S.

TELLER.

Bennet, H. G.

HOUSE OF LORDS.

Monday, March 15.

RECOGNITION OF THE INDEPENDENCE OF SOUTH AMERICA.] The Marquis of *Lansdown*.—Before your lordships proceed to the business appointed for this evening, the noble earl opposite will permit me to ask, or rather to renew the question which I put a few evenings ago—whether any answer has been received by his majesty's government from the court of Spain, to the last despatch of Mr. Secretary Canning to sir William A'Court?

The Earl of *Liverpool*.—I have no difficulty in stating, in reference to the inquiry of the noble marquis, that no official answer has as yet been received by his majesty's government, to the despatch mentioned by the noble marquis.

The order of the day for summoning their lordships being then read,

The Marquis of *Lansdown* rose and said:—My lords; in pursuance of the notice which I gave on a former evening, I rise to propose to your lordships an address to his majesty, on the subject of the present state of the South American provinces, and on the expediency of an immediate recognition of the independence of Spanish America.

In opening this proposition to your lordships, I feel how incapable I am of offering to your lordships more than a slight and imperfect sketch of all the objects connected with the consideration of such vast and important interests. But, my lords, if I feel in some degree oppressed, as any person in my situation must feel, with the magnitude of the subject, I certainly feel no room for any hesitation, as to that course of policy which I am about this day to recommend your lordships to adopt. Indeed, if I feel I have any thing to account for, either to your lordships, or to myself, as connected with this subject, it certainly is not for any thing like precipitation in bringing it under your consideration, but rather for having so long delayed it. Your lordships will perhaps do me the honour to recollect, that when, about four years ago, I submitted to your lordships the first proposition which was adopted by parliament, for instituting an inquiry into the means of extending the foreign trade of the country, during a period of great public distress, I ventured after urging the propriety of removing the restrictions and regulations, with which that trade was then, and remains still, partially incumbered—(with respect to which, more sanguine hopes I am glad to find are now entertained by persons of all parties and descriptions than I was then told could safely be indulged, and which have fortunately met with the concurrence of those who have the means of carrying such measures into effect),—I ventured, even then, to point out to your lordships' attention, the condition of the provinces of South America, as a source from which we were entitled to look for great ultimate benefits, not only to this country, but to the general condition of the whole civilized world, then struggling with the consequences of protracted wars, followed by diminished consumption, and failing trade. I did not, however, then certainly think myself justified in immediately submitting any proposition like the present to your lordships; and when the prospect became still more cheering, and the first sparks of liberty and independence in that quarter of the globe began to assume a brighter aspect, and to burn with a steadier flame, events had occurred in the old world, which involved the interests and hopes of the mother country, in a crisis as desperate as it was cruel, and would have made it as ungenerous as impolitic, to adopt measures, which, however justifiable in themselves, appeared calculated to wound her feelings in the extremity of her danger. Under such circumstances, it might justly have been considered both ungracious and unbecoming, in any individual in this place to have brought forward a proposition, which might have been considered as an attempt on the part of this country, to obtain an unfair advantage from misfortunes, with which we were bound to sympathize, if we could not avert them.

At the commencement of the present session of parliament, I should, however, have been prepared to have brought forward a proposition on this subject, had I not then understood from the king's ministers, that an overture had already been made by the government of this country to Spain, connected with this subject, to which an answer might be very shortly expected. This alone induced me to postpone the execution of what I considered a public duty. But when, my lords, after the production of the papers which the noble earl has laid on the table of the House, I found myself strengthened and confirmed in the view which I had previously taken of the subject, by the arguments and sentiments which are there stated, it was impossible that I could bring myself to consent to further procrastination. By those papers, to the language of which upon the part of his majesty's government, I am happy to be able to give my decided approbation—with one exception only which I shall have to notice—I certainly feel myself relieved from the only embarrassment I could have felt on the subject. For although I had reason to believe, from the explanation given by the noble earl on a former occasion, that this country was perfectly unfettered by any treaty or engagement with any of the powers of the continent—though it could have proceeded only from an imbecility of conduct, which no slight ground could have induced me to impute to any ministers—yet if they had by any species of engagement, direct or indirect, consented to bind down the free principles and great commercial interests of this country, the joint sources of its reputation and its power, to the contracted policy and narrow system, upon which some of the continental powers might be disposed to act, though fundamentally opposed to that which has been, and I trust will ever be, that of this country—such a line of conduct, would certainly have interposed a considerable difficulty in the course, which, with better hopes and upon more solid grounds, I am now anxious for the House to adopt; finding, that we are, up to this moment, not only unfettered, but that we have announced our intention, to pursue that independent course of action, which on all occasions, but more especially upon such an occasion as the present, it was most important for this country to adopt. I therefore come free from all embarrassment of this kind, to the consideration of this subject—a subject, give me leave to remind your lordships at the outset, of incalculable magnitude, embracing an extent of territory, and an amount of population, greater perhaps, than it ever fell to the lot of any one act of human policy, and of human legislation to effect. To regions extending from somewhere about 37 degrees of north, to 41 degrees of southern latitude, equalling in length the whole continent of Africa, and exceeding I believe in breadth, the whole of the vast Russian empire, European as well as Asiatic—intersected by the most majestic rivers—the variety of climate incidental to such an extent, happily affected and diversified by the arrangement of its great parallel range of mountains, which mitigate and almost neutralize its equinoctial heats; calculated for every species of production and enjoyment of which the human race is capable; a country already inhabited by a population of twenty-one millions of persons—a population composed, it is true, of different races, but that difference proved to be not inconsistent with the most perfect harmony of interests and community of feeling, thinly indeed, and unequally spread over a wide surface—but presenting at every scattered point, all the sources of social improvement, all the elements of future strength and greatness.

My lords, it is with respect to countries such as I have described, that your lordships are now called upon to determine, whether you will advise the Crown to recognise them in the form of independent states; a question, which, be it recollected, involves a twofold consideration "first whether you possess the right to make this acknowledgment; and secondly, whether, supposing the right to be established, the expediency of exercising that right without delay is equally clear. My lords, I say, the first point to consider is, whether you have the right; for however it may be my duty this night to point out to your lordships, the great advantages which may result from the establishment of South American independence, I hope I shall never stand up in my place in this House, to recommend to your lordships to adopt any course of policy, inconsistent with those principles of right, which are paramount to all expediency, and compose that great and universal law of nations, any departure from which, to answer the objects of a selfish and ambitious policy, never fails to recoil upon its authors. The importance of this point, therefore, will be my excuse with your lordships, for detaining you for a few moments on the preliminary question of right.

My lords, I know of no principle or mode, by which we can ascertain whether we possess that right, but by considering in the first instance, whether those states, which form the object of our present consideration, are, *de facto*, independent; and secondly, if they are *de facto* independent, whether there be any prospect of the old government of Spain, ever being enabled to recover its command of them, so as to possess the advantages she formerly did from them; and thirdly, if they are *de facto* independent, and there is no prospect of their being again reduced under the dominion of the mother country, whether they have proved themselves disposed, and able to maintain those relations of amity and commerce, which ought to exist between independent, and friendly nations. My lords, from what I perceive to be the opinion of the noble earl opposite, and from what I find contained in the papers on the table, it is not necessary for me to dwell much on these topics. On the first, namely, whether these states are *de facto* independent, I presume, that hardly a question can be raised, in the mind of any one who has made himself acquainted with the events which have occurred within the last two or three years in that part of the globe, and the absence of all effectual control on the part of Spain, whether exercised by civil, or enforced by military authority.

My lords; with regard to the second question which presents itself, namely, whether Spain can, with any thing like probability, look forward to the reconquest of those immense regions—to come to a conclusion upon this point, your lordships have only to look at the duration of the contest, and the present situation of the different members of that great confederacy, now united in an alliance offensive and defensive, by which they are bound to listen to no overture, individually or collectively, which shall compromise, or even pretend to annex any condition to the enjoyment of their independence; an alliance, the effects of which are already displayed in the prompt assistance afforded by Columbia to Peru, and which is, I trust, destined to become the certain and lasting guarantee of the liberties of the New World, by eternally uniting and concentrating its force, against the attack of any trans-atlantic invader.

In the first place, my lords, let us look at the state of Mexico. Mexico, containing seven millions of people, and extending from sea to sea, for the last two years has not had, nor at this moment is there to be found in it, a single Spanish soldier, unless, indeed, in a detached fortress on the coast, where there is a small garrison of about 300 or 400 men. I mean the castle of St. Juan d'Ulloa. But they are cut off from all assistance; and are wholly unconnected with the shore. They may, from the particular situation of the fortress, hold out some time, but as all communication with the continent has been put a stop to, they can have no influence on the state of the country, In Guatimala there is also now no Spanish force.

Throughout the great state of Columbia, extending from the Orinoco to the Isthmus of Darien, there is not now a single Spanish soldier, after a series of contests which lasted fourteen years, and after the contest assuming every year, a character more decisively favourable to the cause of independence; until at length it was completely established, by the reduction of Puerto Cabello, during the last summer.

In the state of Buenos Ayres, there has not been any thing like a Spanish force, for the last twelve or thirteen years; during which period this state has exercised the rights of independence under various governments, undisturbed by any effort on the part of the mother country. Indeed, no attempt has been made during the whole of that period, by the old government of Spain, to affect existing governments, or interfere with their authority; and it may be worthy of remark by your lordships, as indicating the determined state of public feeling in that country, that although, as I have stated, there have been internal changes, no less than three changes, I believe, of the administration, or of the government, as you may think proper to call it; so rooted is the aversion entertained by the people, to the old government, that in no one of those changes, has any person attempted, or manifested any disposition to call in the power of the parent country.

The same observation will apply to Chili. In that state, the most perfect independence has been maintained. For more than four years not a single Spanish soldier has existed in Chili, with the exception of an island near the coast, that of Chiloe, to which the partisans of the old government were permitted to emigrate, and where they remain incapable of any offensive operation.

With regard to Peru, the circumstances are different; for it must be admitted, that owing to some mismanagement in the government after its first liberation, there is to be found there, and there only, a party attached to the old government of Spain. There alone, then, is any thing which can be called an army to be found, consisting, as I am informed, of 7000 or 8000 men—a force, which being, as I understand, under the direction of a very efficient leader, has lately met with some success, facilitated by the hitherto disunited councils of its military chiefs, but quite incapable of ultimately subduing the spirit of independence which has taken root in the hearts of the Peruvians, now encouraged by the presence of General Bolivar, who is engaged in extinguishing their feuds, and bringing to their aid all the glory of his name, and that force of genius, which has already distinguished his military enterprises, and, if possible, still more his political administration, by which he has established the independence of Columbia, and given to it that constitution, which appears destined to become the bond of union, and the charter of the liberties of the confederated states.

My lords, this, then, is the state of the different provinces which I have alluded to, and I will ask your lordships to consider whether it is within the range of human probability, that a continent, of the extent that I have described, inhabited by the numerous and increasing population I have stated, can, after a practical independence of fourteen years has been established, be induced to return under the yoke of a power, situated as Spain now is—and not only as she now is, degraded and enthralled, but as she must necessarily be for half a century to come. The population of old Spain, before the war, did not exceed ten millions. That population is now not only diminished in point of numbers, but has lost a large portion of its ablest citizens. And, destitute of supplies, and labouring under every financial as well as political difficulty, can it be rationally expected, that she can subjugate a population of at least seventeen millions, in her late American possessions? In the whole of Mexico and South America, there is, according to the lowest calculation, a population of twenty-one millions. Of these, seventen millions form the population connected with old Spain. The remaining four millions compose the population of the Brazils; while the whole population of Portugal amounts only to three millions.

Now, my lords, I think I have stated enough, to induce your lordships to come at least to a decision sufficient for every practical purpose; namely, that it is beyond the reach of probability, that Spain should ever be able to re-conquer those colonies.

I have then, my lords, to direct your consideration to the last question; namely, the capacity of those states to maintain those relations of amity and commerce, which are naturally expected to prevail in independent states, for which, of course, some security may be looked for.

And here, my lords, it would perhaps be sufficient to decide the question, if I were to point out the course which has been pursued in those countries, where peace and tranquillity have been established, after the storm of civil dissention, without troubling your lordships, by going into the details of the principles of the different constitutions which have been established. On referring to the papers which have been laid before this House, I find those countries described by the French ambassador to the court of London, in his conference with Mr. Secretary Canning, in language, which is of course put into his mouth by the court which he represents, but which has excited in my mind no inconsiderable surprise. He states, "that he cannot conceive, what can be meant under the present circumstances, by a pure and simple acknowledgment of the independence of the Spanish colonies, since those countries being actually distracted by civil wars, there existed no government in them which could offer any appearance of solidity; and that an acknowledgment of American independence, so long as such a state of things continued, appeared to him to be nothing less than a real sanction of anarchy." Those countries, he proceeds afterwards to describe, as under the influence of dangerous and erroneous theories, and as blinded by party spirit. What evidence, my lords, do we find of this, in the actual state of things? In those states, there may be dissentions, as in all governments; but where have they been attended with less violence, less danger to property, less insecurity of person, than they have in these states, when the force of their oppressors has been once expelled—they have given way to the establishment of sound principles of government, and of constitutions, as exempt from absurd theories, and as apparently calculated for the advantage of the people, as most of those under which we have seen other states exist and flourish. It is easy, my lord, for one government to describe any other government, as being composed of dangerous theories. Political criticism would never be deficient in furnishing a pretext for political interference: the principle of representative government, so justly dear to some countries, might by others be decried as an impracticable absurdity, or abhorred as a pernicious dogma. How easy would it be for the grand seignior, for example, when speaking of the French charter, to draw the same picture, and derive the same inference; and, appealing perhaps to the apparent instability of its provisions, and pointing to the dissatisfaction and to the alleged conspiracies of those subjects whose rights it was intended to secure, come to the conclusion, that it was time for foreign powers to give it "a new direction." Upon quite as good grounds might such a conclusion be drawn, as to the state of France, as those from which the French minister (acting no doubt according to his instructions) has thought proper to draw, of the want of good order and regular government in South America. But your lordships, I am sure, will not be led away by such allegations—you will not listen to any thing so theoretical, any thing so unfounded, any thing so absurd, as that because the constitutions of the states in South America do not happen to be in unison with the views of the French government, they must be deprived of the rights of independent states, until they shall have furnished a sample, which meets with the approbation of all the European states.

Now, without troubling your lordships by going into details with respect to every state, I will ask you to look at the constitution of Columbia as an instance, furnishing the best refutation of the statement made, because, in fact, Columbia has been in some degree, taken as a pattern and example to the other states. Now, in Columbia I find they have adopted two principles for constituting their government, which I think your lordships will consider as the best and surest foundation of all governments; I mean, property and education. These two principles form the basis of their legislature. I also find as cautious a disposition to exclude the multitude from taking any improper share in the government, as the most prudent statesman of the old world could desire. I find property in land made the qualification for electors, even in the parochial assemblies, and that a still higher qualification, a greater possession of land, is requisite for the electors who return the representatives. I find, that not more than one elector is allowed, in the proportion of 4,000 inhabitants. I find, also, what I am sure your lordships will admit to be a step in civilization, perhaps as great as ever was made, and in which the state of Columbia may put to shame the constitutions of many states in Europe—an established system of universal parochial education now in force throughout the whole country, and a judicious application of a large proportion of the convents, to the purposes of higher instruction, under the superintendence of the clergy. I find, in that country, which has been described as in a state of anarchy, and as being torn by speculative divisions, that there has not been, since the expulsion of the Spaniards, a single soldier employed in aid of the police of the whole interior of the country, for the last two years, and that too, without its being attended with the slightest interruption of the public tranquillity.

But, are these all the proofs I find, of a well-disposed government, and of a prosperous country? By no means. The government of Columbia has carried into effect the most important municipal regulations; and when I state, that they have been successfully engaged, in attempting to provide for the gradual extinction of slavery throughout their dominions, I think I can appeal to the noble earl opposite, the secretary of state for the colonies, whether that country has not been engaged in the accomplishment of a task, which he well knows to be attended with no common difficulty and danger. I am happy to have an opportunity of stating, that throughout Columbia, a regular system has been formed, for the gradual abolition of slavery; that a particular tax has been set apart, for the purpose of providing for their manumission, and that all the children to be born hereafter will be born free. It is also due, no less to the inhabitants than to the government, to state, that the regulations I have been describing have been carried into effect, in a manner so satisfactory to the masters, that no complaints have been heard; and not only has there been no opposition raised, but such good effects have been exhibited, in the increased attachment between the servant and the master, under the new relation so created, that masters have very frequently been induced from humane feeling, to give additional effect to the law, and have voluntarily emancipated their slaves, without waiting for the remuneration provided by the state. I advert to this fact, because, I think it is highly to the honour of those people, amongst whom it has taken place, and with other circumstances, of improved internal administration, must place that government high in the scale of civilized states.

But, my lords, I am told in these papers, that notwithstanding all these favourable appearances, the different governments have no solidity whatever, and that on that account alone it would be improper to think of any thing like a simple and unqualified acknowledgment of the late Spanish colonies as independent states. Now, my lords, if by solidity is meant capacity to enter into public engagements, and honesty to abide by them, there is, fortunately, a pretty safe and certain barometer, whereby to judge of the solidity of governments; namely, the barometer of public credit, built upon public confidence: and I would ask your lordships to consult it, before you pronounce in the present instance. It does so happen, my lords, that there is perpetually sitting in the city of London, a jury, composed of very vigilant persons, who are daily engaged in deciding upon the solidity of states, in the most impartial manner. It would be doing great injustice to the gentlemen of the Stock Exchange, not to consider them as perfectly free from all particular bias, in favour of monarchy, aristocracy, or democracy. Their practical philosophy raises them above all prejudice on these subjects, and preserves them effectually from the errors of all deluded enthusiasm on these subjects. Now, referring to the standard of solidity, as presented by these gentlemen, I find, on looking at the value of the stocks, or debts, of the various governments I have alluded to in South America, that they fluctuate between the prices of 67 and 82; and upon my looking a little further, for the value of the stock of the ancient government of Spain, from the solidity of which the South American governments have been detached, and have by that detachment sunk, it is said, into a state which presents neither confidence nor stability—I find the stock of the ancient government was, on Saturday last, at 18 and 20. I know it may be said, that this stock of the ancient government of Spain, was that which was contracted for by the Cortes, and of which its present sovereign now states, that he only approved with a mental reservation, and has informed the world he had so successfully deceived, that it never made any part of his intention, to pay either principal or interest. I therefore carried my inquiry further, and sought to discover, the price of the old legitimate stock of Spain. To get at this, I have been obliged to go as far as the market of Amsterdam; for it was in vain to ask for it on the London Exchange, because it appears, that at present there is no sale there for the commodity. This ancient debt of the Spanish government, with all the honour and solidity of the restored government pledged for its support, sells for only 51 or 52, while that of Chili, is obtaining 80 and 82, in every market in Europe.

Such being the state of public credit, with respect to these governments, let me ask your lordships, whether those countries in South America are really in such a condition, as to justify the interference of any of the old governments of Europe in depriving them of the character of independent governments. It appears, from the papers on your lordships' table, that we have been invited to concur in a project to bring back these colonies "to a principle of union in government, whether monarchical or aristocratical." I believe, this is the very first time that the country has received such an invitation, or that any power has been so called on to interfere, to settle the government of such distant countries according to certain abstract principles, whether monarchical, aristocratical, or democratical. I have certainly lived in a country, in which I have learned to admire the advantageous effect of the union of all those three principles in one system of government, and to consider that system as the best calculated for promoting the happiness of the human species. But, my lords, I have yet to learn, that there may not exist a government, adapted to the different character and situation of a nation, in which only one of those principles may enter, and that it may not afford all the advantages and security which civilized states have a right to require from each other, for their mutual intercourse and advantage.

But, my lords, can it have escaped the attention of those who wish to indulge their predilection for particular forms of government on this occasion—that there exists in that part of the globe, a great and mighty power—and I am glad that it is a great and mighty power—I mean, the United States of North America—a power which has a right (and as far as propinquity is concerned) a better right, to act upon a similar predilection, though in favour of different principles. And, if any attempt should be made by any European power, to bring back the Spanish colonies to a monarchical or aristocratical government, is there not reason to apprehend, that the United States, seeing the foundation of their own institutions attacked, may think it necessary to lend the whole force of their union, to direct these neighbouring states towards a republican form of government: in which case the continent of America would exhibit to the world the strange spectacle, of a theoretical contest, carried on between all the great powers of the globe, as to the abstract principles of government, for a new people, not permitted to exercise their own judgment, or adopt their own laws.

Why, my lords, does not all experience lead to the irresistible conclusion, that there is nothing in the particular form of a government, which can in justice, or on the principles of national law, or on views of expediency, justify the interference of another power? My lords, it is upon these grounds that I propose to offer to your lordships, on the part of this country, to acknowledge the independence of these states. And I trust I have shewn, not only that we possess the right to do so, but that there exists no obstacle to its exercise—an exercise, with respect to which I will add, there can be no fear, that it will involve us in any dispute or hostility; for I do not believe, there is any instance, since the establishment of the present order of things in Europe, in which the acknowledgment of a government *de facto* has been considered, or has been stated to be, a legitimate ground of quarrel; nor has such an acknowledgment occasioned war in former instances, in which the policy of this country has come in collision with the supposed rights of the very power which would have cause, if any had, to complain of our acknowledgment of South American independence. There are two occasions which present themselves to my recollection, in which Spain herself, and this country, were equally concerned; one of them is, the case of the United Provinces, the other, when the House of Braganza established itself on the throne of Portugal. The noble earl opposite well knows, that we acknowldeged the independence, carried on an open intercourse, formed political alliances, and entered into commercial treaties, with the government of the United Provinces, during a period of not less than sixty years, before Spain, acting on her characteristic policy and accustomed slowness of deliberation, could be brought to acknowledge their independence; and during the whole of which period, Spain was content to assert her supremacy over those states, without an effort to support it, and the acknowledgment was not formally made by her until the treaty of Westphalia. In the mean time, however, we acted as if Spain had no claim to the obedience of the Netherlands. With respect to the House of Braganza, our conduct was even still more openly opposed to the views of Spain, without occasioning a war. Your lordships may recollect that in 1641 the Cortes declared the duke of Braganza king of Portugal, thereby detaching the provinces, which now constitute the kingdom of Portugal, from the government of Spain; and that in 1642, the very next year, the government of this country formed a treaty with Portugal, and with the reigning House of Braganza, without occasioning any hostility on the part of Spain, and without even a remonstrance, as far as I am aware, from that power.

I am sure I need not repeat other instances to your lordships; for you will feel, that the recognition of the independence of a government *de facto*, has always been considered the right of every independent state. It is the peculiar exercise of the sovereignty of one state, and cannot be regarded as an act of hostility by another. The exercise of it depends upon the expediency in each particular case where it is called for, and the question of fact whether the state is in a condition to support those relations of amity and commerce which are essential for an independent government to maintain.

My lords, having said thus much, upon the question of our right to act—which I admit is an important preliminary point, on which it is the duty of your lordships, as it is the duty of the government of this country, to make up its mind, previous to its allowing itself to be swayed by any consideration of expediency, in an attempt however it may be otherwise holy—I have now to call the attention of your lordships to the next important point; namely, the question of expediency, as applied to this particular instance. In order to come to a just determination, with reference to this question, it will be necessary to look at the relative situation of this country, with respect both to the old world, and the new. Without going into the vast field of consideration, which the present state of Europe offers, it will not be difficult to show it to be such as to render it highly necessary, that this country should look about, to ascertain by what means we may increase our power—how we may multiply the means of commercial intercourse, create new connexions, and strengthen alliances with new and more congenial states, to whose systems of policy, being more congenial with our own, we may safely look as a compensation for diminished confidence in our former allies, or for aid in future dangers.

And here, my lords, I must advert, though I shall do it very briefly, to the present state of the continent of Europe. Your lordships will pardon me, if I think it necessary to caution you against being diverted from the contemplation of your foreign relations, and their bearings upon the future prospects of this country, by the satisfaction you naturally experience, at the returning appearances of internal prosperity. I must implore your lordships not to be deceived upon that account, with regard to the relative situation of this country with the other powers of Europe. Do not suppose, my lords, that, after the close of that series of struggles, to which the French revolution gave birth; after the formation of new alliances among the great powers of Europe; and particularly after the announcement of the new law of nations by those powers, that this country is placed in the same relative situation with respect to those powers, or that our means of obtaining a preponderating influence, are the same as before. I need only ask your lordships to consider, that it has been at all times a part of the policy of this country, and the successful policy of this country, to establish a connexion with some of the great military powers of Europe, in order to be better prepared for any part which she might be compelled to take, in the dissentions which might arise among the European states, but chiefly to assist in preserving the independence of the smaller states, and to maintain the general balance of power. There was always some one, if not more, of the great military powers in Europe, to which, whatever was its form of government, or the principles of its internal administration, this country could look for assistance, to repress the aggressions of a more ambitious state, to preserve the integrity of governments differently constituted, and to maintain the limits of that balance of power which was thought essential to the well-being of the whole European family. Thus, at different periods, Austria, Prussia, Russia, and even France, have successively been engaged with us in strict alliance, for the purpose of repelling unjust attacks, and protecting injured weakness. But, it is not necessary for me now to observe to your lordships, that all the great military powers of Europe, are engaged in a confederacy on a principle, to which this country is not a party, and to which, thank God, she never can be a party. Of the character of this confederacy, we are not left to form a speculative opinion. The principle by which they are connected, they have put formally upon record, in their declarations, they declare they consider it to be—[hear, hear,]—a principle, to which every other consideration of ancient policy must yield; a principle, liable to be called into action, upon the appeal of any one of the confederacy, and which must be pursued by all, until its object is accomplished. In support of this principle, we see 700,000 bayonets maintained in time of peace under the direction of the same authority, and destined to exercise the most despotic control over every one of the minor powers. In the short space of the last five years which have elapsed, we have seen month by month, and day by day, the practical consequences developing themselves in facts that cannot deceive us.

My lords, we know that every part of Europe *may* in succession be—as many parts of Europe *have* been—over-run by the arms of the confederacy, and be subject to the military occupation of those states. We know, my lords, that Italy has been over-run, and occupied by the armies of Austria. We know that Spain has been over-run and is now occupied by the armies of France. We all know, that the countries I have described, are liable to have their administrations altered, and their governments modified, at the pleasure of the allies; while Switzerland, and other states, have escaped, only by a prompt obedience to the mandates they have received—such mandates as this country, or any country able to defend itself, would justly have considered an insult. Thus, the fairest portions of Europe, may be subjected to the most cruel of all yokes—that, imposed by the presence of armed foreigners, without this country being able to afford any other assistance than the expression of its unavailing sympathy and regret, exclaiming, in the desponding language of Macduff—

> " ——Bleed, bleed, poor countries!
> Great tyranny, lay thou thy basis sure,
> For goodness dares not check thee."

Unless, my lords, it be contended, which no person will assert, that it would not have been desirable for the interests of this country to see these changes and innovations prevented, I have a right to assume, that she no longer exercises a preponderating influence, and is placed in a situation, in which, to maintain her high rank in the scale of nations, she must look to every quarter from which she can derive an increase of strength and greatness. And, to what quarter, my lords, can she, in these new circumstances of the continent, look with greater effect or in more strict conformity with those principles which have always formed the basis of our prosperity, than to the cultivation of a connexion with the independent states of South America, as well as with the government of the United States of North America. With those countries, we may lay the foundation of that increase of strength, which our situation demands.

My lords, it is scarcely necessary, that I should detain your lordships, by attempting to shew the precise value of that connexion, and the extent of that trade the limits of which it would indeed be difficult to define: but from the papers I have called for, and which have been laid upon the table, I may state, that it appears, that in the year 1821, the very first in which the trade with the South American colonies could be said to be fairly opened, our exports to that country, amounted to 3,227,560*l*. This great exportation of commodities, in the first year, might be supposed to have occasioned a glut, and that the British merchant and manufacturer had supplied a larger quantity of goods than the wants of the country could continue to require. But so far, my lords, from this being the case. in the very next year, namely, the year 1822, there was an export of 3,867,959*l.*, being an increase, to the amount of 640,000*l.*, The accounts for the year 1823 have not yet been made up, but I have every reason to believe that they would have exhibited a still further increase. To what degree that increased demand may extend, when that country becomes more settled, and when the connexion with us shall be confirmed upon a more settled basis, I will not attempt, with the imperfect information I possess, to calculate; but I may, in passing, mention, as an instance of the rapidity with which new openings in commerce carry life and activity to every corner of the globe, and connect the remote parts of it; that, in a year and a half after the ports of the southern states of America were opened, in that part of the sister country, with which I am well acquainted, and in the prosperity of which I know your lordships feel the deepest interest, I mean the south of Ireland, in which scarcely the vestige of manufacturing industry had previously existed, the export of coarse linens to South America commenced, by means of which, a poor, unhappy, and dense population, who could find no market, or resource, in the demands of this country, have been occupied in administering to the wants of a population, no less numerous, though so differently circumstanced, in South America, and have found relief from their sufferings in those political events which have opened a fresh market in that vast continent.

Your lordships know the effect which the growth of the independence of the United States of North America has had upon the commercial fortunes of this country. It is not undeserving of attention on this occasion, because it raises a hope, which I gladly indulge, that the separation of the South American colonies from the parent state, may not ultimately be detrimental to Spain herself, supposing her destined to enjoy a government which shall call forth her resources, and stimulate her industry.

The independence of North America, the cause of so much dread, and the object of such unavailing resistance, was no sooner settled, than it became the source of prosperity, and of increased commerce to this country. My lords, I hold in my hand a statement of the amount of exports from this country to the provinces of North America, for the eight years previous to the declaration of independence, and of those, during the last eight years; and the result, I think, will prove to your lordships, what every reflecting person must long since have ceased to doubt; namely, that this political separation has left nothing to be regretted, but the painful recollection of the blood which was shed, and the feelings of hostility which were engendered, but which are now, I trust, for ever consigned to oblivion. It appears, from these accounts, that in the eight years preceding their declaration of independence, that is, from 1766 to 1773, the exports from this country to North America aided by all the monopolies and prohibitions then so much relied on for the protection and encouragement of trade, but happily now acknowledged to be vain and illusory, did not exceed, on an average, more than 2,441,000*l.* while on the other hand, taking the eight years which have elapsed since the last American war—that war, the unnecessary occurrence of which must ever be deplored, and which I trust will be the last disturbance given to the amity of nations, whom their mutual interests, common origin, language, and institutions, ought to connect together in the pursuit of one common policy—from the period, I say, when the last American war ceased, down to the year 1822, the exports to North America, amounted annually, on the average, to 6,905,000*l.*—that is to say, since the independence of the United States, our commerce to North America has increased nearly threefold, as compared with the period when we held the colonies in subjection. My lords, I advert to this only to show how false the principle of the colonial system was, as applied to the wealth of the mother country, and to suggest how often it may happen, that by adopting a more liberal policy, the basis of our prosperity may be rendered more secure.

These are the objects which your lordships have to look to, as connected with the prosperity of this country, and of the states which are the object of the present motion, a prosperity which, as it has advanced with an uniform progress in the limited states of North America, may be expected in a soil more fertile and with means of expansion more unlimited, to proceed with a still greater accelerated force. The population of the United States of America had, in the course of the last fifty years, increased, from between two and three millions, to ten millions of people. The population of the states of South America consisted now of twenty-one millions. If therefore it is capable of going on in the same ratio, it will increase to an amount which it is awful to contemplate; and will extend to sixty millions in the course of the next fifty or sixty years. I am aware that there are circumstances which constitute a difference in this respect in the two countries; two of these, at least, are in favour of Spanish America, namely the complete amalgamation with the original Indian race, and the small proportion of slaves, as compared with the Southern provinces of the North American Union.

Having pointed out these advantages, as they exist at present, and the extent to which they may possibly be carried, I have finally to ask your lordships, if there is any room for hesitation, as to the course of policy, which ought to be adopted? I may be told, and probably I shall be told, for it appears to be the only argument which can be used in opposition to the proposition I shall have to make—I may be told, that if we are satisfied with the language employed by his majesty's government, as it is disclosed in the documents which have been laid before the House—if we are satisfied, that this question is still left open, we ought to acquiesce in some further delay, and continue to place our confidence in his majesty's government, for the adoption of the measure, when they shall consider the proper time to have arrived. To this, I answer, that, if your lordships are satisfied, that you possess the right to acknowledge the independence of the states which I have described, and if you are satisfied, upon every consideration of justice and expediency, bearing upon the immediate interests of all countries, but more particularly of this,—you ought to do so.

I would not hesitate to give these states the full benefit of your recognition, by solemnly announcing it, at the moment when it is most needed, and will be most valued. I would ask your lordships to recollect, that although to them your acknowledgment may not be every thing (for I believe their ultimate independence must in any case prevail), your acknowledgment *now*, cannot fail to be an inestimable benefit, by enabling them to compose their dissentions, and by giving them, in the eyes of themselves and of the world, that importance, which a confirmed station amongst civilized and independent nations, can alone confer. And I ask, then, my lords, if you are satisfied as to the grounds of expediency and of right, why should you remain lingering on the threshold, where your entrance is justified by every right, and invited by every principle of justice and generosity? Why not assist, at the cradle of independence, and connect yourselves with all those early associations of liberty and independence, which we all know are held so dear by succeeding generations, instead of waiting to follow slowly the example of others, until our proceeding shall appear to result, rather from necessity, than choice.

Let me ask the noble lords, if they can contemplate any course of events, by which the independence of these states can be finally prevented? Can any man rationally expect, that the government of Old Spain, situated as it now is, and as it must be, so long as it shall be occupied by a French army—and situated as it must be, long after that French army shall have retired, can be able to make efforts at all adequate to the subjection of the inhabitants of those remote and boundless countries, after they have once tasted the cup of liberty, and become conscious of their greatness? Can we suppose it possible, that the progress of civilization, and of every thing proud and great connected with it, in those countries, can be arrested? As well might we expect the mighty rivers which are now flowing through that great continent towards the ocean, to turn their course back to the snowy mountains, from whence they spring—As well might we expect, that the current of the gulf stream, should cease to carry the warm waters of the tropics forward towards its Northern shores, as suppose, that the full tide of civilization and independence can be prevented from extending itself from mountain to mountain and from shore to shore, of that New World.

The time was, when Spain had the power to root up the vineyards of Mexico, that the inhabitants might rely on the mother country for wine—the time was, when Old Spain could make it felony, to carry roads from the inland to the sea shore of that country, lest the inhabitants should have communications, which their Spanish rulers might not approve—the time was, when the commercial regulations of Old Spain, regulations imposed by ignorance, and carried into effect by cruelty, could spread their withering influence over the regions I have described; but those times, are gone by—never to return. The regeneration of that country must continue, and your lordships are invited to assist in its perfection.

My lords, when I state, that I look forward with confidence to the final accomplishment of this great object, I do not mean to say, that there are not corresponding dangers—if not, from the open hostility of other countries, who (to use the expression of Mr. Secretary Canning, in the papers on the table) may unfortunately, "think differently" from this country upon this subject—if not, I say, from the open hostility of those states—from a war in disguise, not less to be dreaded; from the employment of those indirect and unholy means, which we know, from experience, the most legitimate governments do not disdain to employ, for the accomplishment of their objects. If these means should be resorted to, I do not say that the prospect of South American independence can be extinguished, but its progress may be retarded, dissentions may be excited, and their councils may be embarrassed. It is to fortify them against such dangers, that I propose to induce your lordships, by the motion I have now to make, to give them, as far as you can, sanction and stability. My lords, I am confident, that it is not only the best course, as far as respects our own interests; but that it is also the fairest course, with respect to the other governments of Europe. We owe it to the governments of the continent, fairly to let them see, not only that we claim the right, but that we mean to exercise it—leaving them, if they differ in opinion from us, to pursue their own course. I call upon your lordships to proclaim your opinion by your actions; convinced as I am, that a great revolution is taking place in the globe, to which the course of political events, the state of public opinion, and the progress of all-conquering science, in assisting the energies of nature, are alike contributing, but with respect to which it belongs, in some degree, to this country, to determine, whether it shall be more or less slowly effected; whether it shall take place under circumstances, more or less tainted with human passions and civil conflicts; in a word, whether it shall be in a manner more or less conducive to the immediate prosperity of this country, and of the world.

Here, my lords, I should conclude, were I not obliged, before I sit down, to advert to one topic, which I have already stated to be the only one in the expressions employed by the British minister, which required explanation. I find, in the papers on the table, that the British government (in the minute of Mr. Canning's conversation with the prince de Polignac) has not only disclaimed any desire to appropriate to itself any portion of the Spanish colonies, but has also stated, that it has no intention to form any political connexion with them. My lords, I do not think, that we ought thus to have prejudged the question, as to what may, or may not be the interest of this country to do, with regard to a connexion with South America; nor can I discover any reason, why this country should give to the government of France, any pledge as to any political line of conduct which it may, or may not, think it desirable to pursue. I hope I misunderstand the nature of this engagement, but it strikes me in this light, and I know that it has struck others in the same way; for which reason, I am desirous of obtaining a distinct explanation on the subject from the noble earl. I now beg leave to move—"That a loyal and dutiful address be presented to his majesty, thanking him for the papers which he has been graciously pleased to communicate to the House, relating to the present state of Mexico and South America, and to express our earnest hope that he may be enabled, without delay, to recognize the independence of such states as are actually become independent; and to establish that diplomatic correspondence with their respective governments, which will afford the most effectual security for his majesty's subjects, and supply adequate means of cultivating those relations of amity and commerce, which cannot fail to prove alike beneficial to both countries."

The Earl of *Liverpool* began, by observing, that he perfectly agreed in the general principles which the noble marquis had laid down on this important subject. If he felt an objection to any part of the noble marquis's speech, it was to that part in which, upon entering into detail, he had come to apply those principles which he seemed either not distinctly to understand, or not perfectly to accommodate to the purposes of his argument. He would first apply himself to clear away those parts in which there was no difference of opinion between the noble marquis and himself. He would not follow the noble marquis through his minute details, as to the precise amount of our exports to Spanish America, because he was prepared to admit, that no commerce could be more advantageous to this country, than the trade between Great Britain and America, whether northern or southern. But, it appeared to him, that we did not sufficiently consider, when we talked of the ports of Mexico, Buenos Ayres, and others being now open to us, that we enjoyed a considerable commerce with those countries, at a time when it would appear from the Custom-house books, as if we had carried on no commerce with them at all. The reason was, that our commerce before had been circuitous and indirect, whereas now it was direct. A great deal of what we exported to the West-India colonies, went to other places; so that the fairest way of considering the question was with respect to the entire of America. The whole amount of our exports averaged 43,000,000*l.* annually. Of this, 21,000,000*l.* were confined to Europe 17,000,000*l.* to North and South America, and 5,000,000*l.* to the East Indies and the Cape of Good Hope. He entirely agreed with the noble marquis, that there ought to be no shackles imposed on commerce, and, consequently, that it was a wise policy to remove them gradually, as impediments to free trade. As for the re-conquest of the South American provinces by Spain, he held it to be just as chimerical and absurd a notion as the noble marquis himself did.

And here he felt it necessary to recal their lordships attention to the true state of the relations between Spain and her colonies. It was universally anticipated, that, after the revolution which had taken place in 1808, the period could not be far distant, when the colonies would declare their independence. It was perfectly obvious, that sixteen or seventeen millions of inhabitants could not long be held in the thraldom exercised by Spain. The question, then, for Spain was, whether she would take example from our own case, and, by a wise relaxation of her system, still continue to retain them attached to the mother country; or whether, refusing to bend to circumstances and to profit by experience she would aggravate the evil, until it should grow to a total rupture. It was a subject of speculation with all men, whether she would take advantage of the errors of others, or whether the pertinacity which belonged to that country, mixed up as it was with great virtues, would have the effect of confirming her in the opposite course. In the year 1808, when, in consequence of the most unparalleled aggression that had ever been made on the independence of any country, a general rising of the Spanish people against the French took place, doubts had arisen, as to the policy which this country ought to pursue. There were some—and those were not the least lovers of well-regulated freedom, who thought that Spain ought to be encouraged and supported in the struggle which she was then commencing, in the hope that Europe might be freed by her example. Others, again, thought that it would be best entirely to abandon Spain to herself, as it was hopeless to resist; and that we ought to direct the whole of our efforts to the detaching of her colonies from the mother country. Their lordships need not be reminded, that the former policy was pursued, and that it had been completely successful. This country was bound, whatever line of policy she adopted to declare it openly; and if their lordships would refer to the first speech from the throne, after that event, they would find, that the integrity of the Spanish dominions was then stated as the main object of this country; and this policy had been applauded, even by some noble lords who were not in the habit of supporting the measures of his Majesty's ministers. He mentioned this fact, to shew the principles on which our policy towards Spain, and her foreign dominions, had been bottomed from the beginning, and that, under the circumstances which then existed, any different line of proceeding would have been a contradiction to the understood feelings and conviction of the government and the legislature. When, indeed, in the progress of that struggle in Spain, revolutionary changes, or endeavours at a more liberal connexion, for he would not say whether all or any of the South American provinces at that time contemplated separation; perhaps the truth was, that some did act upon such a view, and others did not, the great object of the government of Great Britain was, to use her best efforts, and her most active influence, to endeavour to convince the government of Spain, that the connection between her and her colonies could only be maintained on a more enlarged and liberal basis of connexion. To great Britain there presented itself but one direct, honest line of proceeding, and that course, without deviation, she had pursued. We had at that period a growing commercial intercourse with the South American provinces. With the nature and extent of that intercourse Spain was acquainted, and to its continuance she never offered either refusal or interruption. From the year 1810, throughout all the vicissitudes of the struggle in Spain, from the moment the agitations in the South American dominions began to develop themselves whether the government of old Spain was vested in a supreme junta or a cortes, under the constitutional monarchy, or in the absolute king,—in all those successions, it was the unremitting endeavour of Great Britain to press upon all the offer of her mediation, with the view of continuing, on liberal and enlarged principles, suited to the spirit of the times, the connexion between Spain and her South American colonies. From the year 1810, to the treaty of Paris, no matter the character or the form of the Spanish government, such was the duty and the sound policy, and from duty sound policy could never be separated, which governed the conduct of his Majesty's ministers. But though on this great point Great Britain did not cease to solicit the attention of Spain, yet by none of those who administered the affairs of Spain, was the offer listened to, indeed all, whether juntas, cortes, restored monarchy, constitutional system, or absolute king, uniformly declined, or evaded the proffered mediation. And he must here observe, what was most important in the consideration of this question, that the pertinacity to decline such mediation (and it was perhaps, to be attributed to those motives which ordinarily swayed human conduct) was the more striking as the system of government in old Spain assumed a constitutional character.

Thus stood the question until the meeting of the congress at Aix-la-Chapelle. At that period, the British minister at the congress renewed the offer of mediation, with the knowledge, and under the sanction, of the other powers. Spain again evaded; and whether to gain time, or for whatever other purpose, he would not say, the offer was not accepted. After these repeated and unsuccessful efforts, in which this country consulted both her duty and the soundest policy, the obligation devolved upon the government, of attending to our essential interests—to interests which were not opposed to duty,—but which comprehended the enlarged consideration of what was due to ourselves and to the world. The noble marquis, in urging the propriety of an immediate acknowledgment of the South American provinces seemed to have forgotten—at least he had over-looked—that most material part of the question; namely, what was our actual relation with those provinces, how we were situated with respect to them: and what we had done. In the year 1822, before a noble friend of his, now no more, departed for Verona, he had prepared instructions which were afterwards given to the noble duke who succeeded him. But, before these instructions were all prepared, the government had taken their line. They had submitted to parliament an act which received the royal assent, and which were to the extent of acknowledging the *de facto* independent provinces. What was it that was then done? If their lordships would look to the 3rd of the king, chapter 43, they would perceive, that it gave to all those provinces the rights of independent states under the navigation act, at the same time re-affirming the general principle, that all commerce with Asia, Africa, and America, must be carried on in British ships. We had thus established a free intercourse with those states as independent states; and from that time it was a complete free trade with that country. Nor did we conceal, either from Spain or from the other powers of Europe, the nature or character of that act. The duke of Wellington, on the part of his majesty, explained the measure to all those states, accompanied by a communication, that it was the intention of his majesty's government to follow up that proceeding by other steps. Accordingly from that time, the independence of those states was practically acknowledged, and we were not only enjoying the benefit of a free commerce with them, but they also had granted to them reciprocal benefits, by the enactment which he had just mentioned. In the month of September in that year, as appeared by a letter from Mr. Secretary Canning, our intention of sending consuls to the different provinces was announced. He was most ready to acknowledge, that after what had passed at Verona, an interval of delay occurred in respect to the sending away these consuls. It was felt by his majesty's ministers, that it would be more consistent and generous to suspend the execution of their intentions on that subject, under existing circumstances, rather than despatch them during the heat of that contest in which France and Spain were about to be engaged. It was that consideration alone that induced the delay that intervened.

He came next to the most important period in the history of these transactions. He meant that period when the French arms were successful in Spain, and the sovereign of that country was reinstated in absolute power. Immediately after that event, his majesty's government did not allow any time to elapse before it put the French government in full and undisguised possession of its views and determination, relative to the South American states. Taking into consideration the recognition of their flag, a *de facto* acknowledgment of independence, followed up by the appointment of consuls, the British government, having no interest or inclination to concealment, determined to take a further step, which, as it regarded the situation of the South American states, was worth a thousand declarations or acknowledgments of independence. He knew it had been said, that the intention of the powers of Europe respecting the South American states, had been changed, in consequence of the speech of the president of the United States of America. What effect that speech might have had, it was not for him to say; but, whatever its effect might have been, he felt it but justice to the king's ministers to declare, that weeks before that speech reached Europe, it had been distinctly communicated by them to the government of France, that, without interfering with the rights of Spain, Great Britain could not see with indifference any foreign power interfere in the struggle between that country and the South American states. Was not such a declaration distinct and prompt, and, as he had before said, worth a thousand official declarations and acknowledgments? But, was that all? Let their lordships look at the papers on their table, and say, whether such a declaration followed up by the abjuration of France, as to any such intended interference, was not a full discharge of every duty that this government owed to itself, and to those principles of honour, justice, and good faith which uniformly governed her policy.

Such, then, was our situation; and the next question for consideration resolved itself into this—what remained to be done? The noble marquis has said, "make a formal acknowledgment of independence." To that he would answer—to whom should that formal acknowledgment be made? What power possessed the right of making such a recognition, but the power that previously possessed the sovereignty over those states? In the relation in which Great Britain or any other foreign power stood, she neither possessed the right to acknowledge, nor the right to dispute that independence. But, then it was objected, that, under our relations with these states, we ought not to have so long abstained from opening a diplomatic intercourse with the South American governments. He should proceed then to a consideration of that objection; and, in the first place, he would say, that if there was any exertion of the prerogative, which ought to be committed more exclusively to the discretion of the Crown—that if there was any act of government that more especially and peculiarly devolved upon the executive—it was that of deciding at what period it would be proper to open a diplomatic intercourse with foreign states. He did not deny, that, if parliament had reasons to believe that any apathy, or indisposition to discharge what was due to the public interest, was discoverable in the conduct of the advisers of the Crown, under such circumstances it was the duty of their lordships to interpose. But, with the documents on their lordships' table—with the whole conduct of the British government before them—with the nature of our existing relations with the South American States—was there, he asked with confidence any indication of abstinence, or of indisposition, discoverable on the part of the king's government? Their lordships would feel that there might exist a thousand reasons why the opening a diplomatic intercourse might be considered a question of such delicacy, as to place a government under the necessity of proceeding with great caution. But he wished the House to believe that he had no desire to conceal the acts of his majesty's government under any such secret motives or views; and that admission led him to the discussion of principles, not only in which he and the noble marquis agreed, but in which they differed, and indeed to that part of the noble marquis's speech, in which it appeared to him that he had rather misapplied those principles.

With regard to the question of the recognition of independence, they both agreed, that it was to be considered on two grounds; the first of right, the second of expediency. That where no right existed, there could be no expediency, was an inference in which they both agreed. He had no difficulty in declaring what had been his conviction, during the year that the struggle had been going on, between Spain and the South American provinces—that there could be no right, while the contest was actually going on. He knew that our own history proved that other powers of Europe had acted towards us under a very different impression. He was aware of the conduct which the whole House of Bourbon had adopted, in the struggle between Great Britain and her North American colonies. It was notorious, that, while our armies were in the field (no matter what was the justice or policy of that contest), those powers cut the cord of connexion, and, not satisfied with merely acknowledging, assisted the ancient colonies in effecting their separation from the parent state. God forbid that, under any circumstances, Great Britain should feel disposed to follow such an example! The question ought to be—Was the contest going on? He for one could not reconcile it to his mind to take any such step, so long as the struggle in arms continued undecided. And, while he made that declaration, he meant that it should be a bona fide contest.—But, independent of the principle of a positive and absolute contest in arms, there might arise another question, from the existence of a very considerable portion of the population being desirous of a reconciliation with the mother country. He mentioned that case hypothetically; but as it had no application to existing circumstances, he should abstain from arguing upon it. Assuming, then, that there existed no contest in arms, and that the general opinion of the great body of the population was in favour of the new order of things, there could be no question, that the right was, under such circumstances, positive and absolute.

That naturally led him to the consideration of the expediency of such a proceeding. And here he had first to put the following question to those who dwelt upon the expediency of immediately making such a recognition:—Did or did not Great Britain and the states of South America actually enjoy all the advantages which a declaration of independence could afford to either or to both?—Did the abstinence of Great Britain on that point, under her existing relations with those states, demonstrate any ill-will, or even the absence of any good disposition, towards their interests or prosperity? He would appeal with confidence to any Colombian, Chilian, Mexican, or Peruvian, to say whether they believed, in their judgments, that there existed any lukewarmness or indisposition on the part of the British government? He would ask them, whether they believed, that the appointment of a minister plenipotentiary, or a mere declaration of recognition, could be as satisfactory to them as the unqualified, undisguised avowal of Great Britain, that she would never consent to the inteference of any third power, and France recording an abjuration of such an avowal. When it was a question of the good will and friendly disposition of Great Britain towards the South Americans, he would repeat, that such an avowal was worth the appointment of a thousand ambassadors. After such proofs of the feelings of his Majesty's government on that question, he would not pledge himself to any distinct line which the Crown, in the unfettered exercise of its prerogative, might adopt. The documents on the table recorded their determination to be parties to no congress having for its object such a discussion. Parliament would, he was persuaded, give due weight to the previous conduct of his majesty's government, and leave to their time and determination the exercise of a wise discretion. If it was possible to obtain the desired acknowledgment from Spain herself, their lordships would admit that, with reference to the future benefits of the South American states, protecting them as it would from all the consequent hazards to which a doubtful title might expose them, such an accomplishment, even in that view alone, would be a material object. Considering, besides, the nature of our connexion with Spain, the character of that eventful struggle in which, conjointly with that country, we had been so long engaged, the handsome, the gentleman-like course, would be, to give to Spain the opportunity of taking the lead in that recognition. He knew he might be told, that we had already given Spain that opportunity, and that she had not availed herself of it. But, it would be recollected that, we were approaching a new crisis. We stated, in the documents on the table, openly, that we would not delay taking such steps as our essential interests demanded; but that, considering all that had passed, we were most anxious to give our aid, in enabling Spain to avail itself of the grace and advantage of leading the way, and in so doing eventually consulting her best interests. By acting upon views of such evidently sound policy, no man could contend that any substantial interest of Great Britain had in any degree been compromised. With respect to the forms of government which these states might assume, for his own part he was contented with the forms which the people of those countries liked themselves. He undoubtedly had his preference; but he should never dispute upon abstract considerations, provided they were governments capable of maintaining the relations of peace and amity with foreign states. But, it was most natural, before the ultimate measure was adopted in this country, to feel anxious to ascertain the actual situation and condition of those new governments—to see whether they afforded the necessary grounds of confidence in their capability of upholding and maintaining inter-national relations. In the ordinary course of things, such would be considered not a very unreasonable course of proceeding, before any new connexions were established. Acting under such a sense of duty, commissioners and consuls had been despatched by his majesty's government to those different states. And, was it not most advisable, before we took any ulterior step, to wait for the information which it would be the duty of these functionaries to communicate? Some months must yet elapse before that information could be obtained. Under these considerations, therefore, he would ask whether the executive government had so conducted itself—whether it had proved itself so wrong in its views, and so injudicious in its policy—as to justify parliament in taking out of the hands of the Crown the exercise of its undoubted prerogative.

These were the grounds on which he put the question to the consideration of their lordships. He had stated, without reserve, every feeling by which the British government was influenced. He had traced, consecutively, the line of proceeding we had adopted towards old Spain and her colonies—our fruitless offers of mediation to the one—our *de facto* acknowledgment of the independence of the other. He had shewn, that as these efforts were unavailing, we had declared to the world our determination to attend to those essential interests which the situation of things demanded: and that we were now in a state of progress to that accomplishment which was the object of both sides of their lordships' House. We had declared to the colonies, and to the nations of Europe, that it was our unequivocal determination not to allow the South American states to be trampled upon by any confederacy, however formidable; and that as we had maintained, heretofore, an unfettered discretion on our conduct as to the past, we would persevere in maintaining it, in what yet remained to be accomplished. It seemed that the noble marquis had interpreted the paragraph in Mr. Canning's declaration to the prince de Polignac, which referred to our disavowing any political connexion with the South American States, as if we had bound ourselves for ever against any connexion with those countries. No such meaning attached to that paragraph. It was merely an exposition, under the existing circumstances, of our motives, calculated to disarm any jealousy that might exist, as to the feelings by which we were actuated. It was done with the view of precluding the possibility of any misconception or suspicion, as to our real objects at that particular moment. But, with respect to other circumstances, it left Great Britain as free to establish relations with those states, in as full a manner as with any other foreign power in Europe. One word as to another question of the noble marquis, respecting the knowledge we possessed as to the intentions of the other powers of Europe to take this question into consideration at an assembled congress. He did not know whether those powers entertained any such intention, and he believed they did not themselves know whether they would or would not; but of this he was certain, that to such an intention Great Britain would never be a party. Under these circumstances, he begged leave to move, that after the word "that" in the address moved by the noble marquis, all the other words be omitted, and that in their place should be substituted, "This House gratefully acknowledges his Majesty's goodness in directing the papers to be laid before this House, and the

House feels great satisfaction in the assurance given by their perusal, that his Majesty's government will continue, in the further progress of this important question, the exercise of those firm, moderate, and prudent measures, which have contributed to the glory and best interests of the British nation."

Lord *Ellenborough* said, he thought that no noble lord could have heard the arguments and statements of the noble earl who had just sat down, without feeling that the question between his noble friend who had opened the debate and that noble earl was of a more extended nature than the noble earl seemed to think it; and that if the address of the noble marquis was not agreed to, it was plain that there was no security that the recognition of South American independence would not be postponed, in the way it had hitherto been, for an indefinite length of time. The question was not whether we should now recognize the independence of colonies separated from Spain, but whether we should recognize colonies once belonging to Spain, Spain being now in the power of France. The whole course of the recent conduct of France showed that she was anxious to seize the first opportunity of regaining her ascendancy in Europe by renewing the principles of the family compact; and satisfied he was that those states would be attacked by France, in the name of Spain. Who that had attended to late events could attach the smallest credit to the denial on the part of France, that such was her object? If his majesty's ministers were so blind to the views of France and of the confederated powers of Europe, he could only deplore that blindness, and trust that the House would take a clearer view of the designs of France and the interests of this country, by adopting the motion of his noble friend. Whilst this country was engaged with Spain in repelling that attack which the noble earl (forgetting the attack of last year) stigmatized as the most atrocious that had ever taken place, it might have been necessary, when we were fighting side by side with Spain, to say that the integrity of the Spanish monarchy was our first object; but that necessity no longer existed, when the attack was repelled, and that monarchy was out of danger from the enemy. The consolidation of the connexion of the colonies of Spain with the mother country was, in 1818, not our sole object; but if it were, he feared that South America would not forget, though he would wish to endeavour to make her forget, our foreign enlistment bill, which under the name, and with the real appearance of neutrality, was decidedly hostile to South America and friendly to Spain. As far as could be done by law, our assistance was withdrawn, and South America was left to struggle alone; but, thank Heaven, he believed there was no man base enough to put that act into force, and therefore it had remained a dead letter, and of no avail. The soldiers and sailors of England, in spite of that bad law, had, by acting in the fleets and armies of the provinces, established that friendly feeling towards this country, which the legislature, and above all his majesty's ministers, would have prevented. If he had not heard the early part of the speech of the noble earl, he must have doubted whether the noble earl entertained the opinion which it seemed he did entertain of the importance of the commerce between this country and South America. It seemed, according to the noble earl, that every thing practical had been done; and that the only question now was, merely the opening of a diplomatic intercourse—a thing which the noble earl thought trivial; but, how was it that throughout the papers on the table it appeared to be of the utmost importance, and more particularly to the minister of France. The noble earl spoke of the other contests in which Spain had been engaged; but, every other contest appeared to be obliterated from the mind of Spain by this last contest, in which she had been crushed by France. It was in vain that the interests of Spain had been mentioned, either in the negotiations which those papers described, or in the address of the noble earl. He could not recognize the power of Spain in any of these transactions, because, look where he would—whether at Cadiz, at Burgos, at Pampeluna, or at Barcelona, in every part of the territory he saw French troops alone in possession. The praise of their moderation was not the least part of the danger. He feared nothing so much, in the issue of the Spanish affairs, as that affected moderation in the French, which was connected with measures of essential violence. He was alarmed at seeing them take the safest and shortest road to the possession of territorial power. He was alarmed when he saw the French prince who headed that army, and whose conduct certainly justified the praises of the noble earl opposite, acting, together with his troops, with a degree of prudence, moderation, and forbearance, not only unknown to them in the generally understood conduct of the French army, but totally inconsistent with the conduct of any army of any country under similar circumstances. He dreaded to see the independence of sovereign states struck down, without irritation to the feelings of any considerable party: he dreaded this precedent of the acquisition of great territorial and political power, without exciting feelings of alarm or jealousy in any other government. He knew of nothing so terrific in the history of all that had gone before, as the French nation taking possession of the power and resources of Spain, with the heart and feelings of the invaded country apparently on their side. The designs of the confederacy which had been formed against the liberties of mankind were the more to be dreaded, as they were not so much directed towards territorial aggrandizement, as towards the general subjection of the minds of men. The success of one member of the confederacy, instead of exciting the jealousy of the other states, seemed to be viewed only as an additional means of promoting the common object of putting down the principles of popular government. It was against these principles that the designs of that confederacy were peculiarly directed; they could not, therefore, but be most hostile to this country, the nature of whose constitution was so utterly inconsistent with the principles on which their combination was founded. It was not a few violent speeches or invectives uttered in parliament which excited the hostile feeling of the alliance towards this country. It was the bright example which our free constitution held out to all Europe, that constituted the real ground of their hostility. In the eyes of that confederacy, our free constitution was a standing nuisance, which they were anxious to put down whenever they might possess the power. While our constitution existed, the whole edifice which their despotism had raised, was threatened with destruction. When he saw the allied powers ready to pour forth their whole military force to aid in the subjugation of every state which might be the object of their hostility, he must acquiesce in the policy of our not neglecting every opportunity of making a friend. South America was a country possessing, in every point of view, the strongest interest, and opening the prospect of the greatest advantages to this country. Her mountains and her plains, her noble rivers and her fertile valleys, excited the strongest emotions of admiration for the beautiful works of nature, and the unbounded beneficence of the Creator. The prospect of every thing which was most liberal and enlightened in government, in arts, and in morals, was opened among a people fresh and strong in the possession of free institutions. Even the power of steam seemed to be discovered at the most favourable moment for giving facilities to the navigation of their rivers, and the working of their precious mines. South America seemed destined, by a chain of circumstances concurring with her almost boundless resources, to carry to the greatest possible extent the civilization and happiness of mankind. When he beheld this cheering and magnificent prospect, he could not confine his views to any petty advantages of trade. What he wanted to gain was the hearts of the people. He trusted that their lordships, instead of hesitating and delaying with his majesty's ministers, and contenting themselves with a paltry nomination of consuls, would come forward as the constitutional advisers of the Crown, and confer upon the country the advantages to be derived from a recognition of the independence of South America, not with the cold, calculating feeling of ministers, but with the warm-hearted and sympathetic feelings which became the legislature of a great and generous nation.

Lord *Calthorpe* thought that, looking to the language of the papers which had been laid upon the table, there was sufficient ground for placing confidence in the delarations of his majesty's ministers. He could not help thinking, however, that this country would be justified hereafter in feeling the utmost jealousy in co-operating with the measures of any foreign European power. He could not forget that the French government had engaged last year in an enterprise, which every man, whether he approved or disapproved of the Spanish constitution, concurred in deprecating. He was ready to admit, that the invasion of Spain had been carried on in a spirit of moderation and forbearance, and that the illustrious leader of the French armies had, in his treatment of the people of Spain, conducted himself in a manner which reflected the highest credit upon his name. Yet that very moderation was of itself alarming, because it was clear that, before they entered Spain, they were ignorant of the nature and character of the power which they went to support. They found, instead of a wise and orderly government, that they were called upon to reinstate a party, actuated by a blind, ferocious, intolerant spirit of bigotry; so that the French were obliged to act as mediators between the two factions, of whose divisions, before they entered Spain, they had not heard any thing. He was persuaded, however, that if this country had exerted her moral influence at an early period of the negotiations at Verona, the French aggression on Spain would never have taken place. The issue of this contest had fostered the disposition of France to interfere with the independence of foreign nations into a greater and more mischievous activity. The pretended object of France was, to tranquillize Spain; but that object was so far from having been accomplished, that that unfortunate country was now in a more distracted condition than ever. The papers which had been laid on the table proved conclusively, that France was influenced by a spirit of interference with the rights of independent nations. Under the present circumstances, however, he felt that he should be wanting in the confidence which he thought due to the declarations of his majesty's ministers, if he hesitated to commit to them the issue of the arrangements with respect to the South American colonies. He thought that a reasonable degree of delay might justly be observed in recognizing the independence of those colonies. If we were somewhat slow in granting a full recognition of their independence, the very delay would be an earnest that, when once their independence was acknowledged, it would not be a vain, illusory recognition, but one which would fully guarantee their freedom, their happiness, and their commercial prosperity. The noble lord concluded by declaring his resolution to vote for the amendment which had been moved by the noble earl at the head of his majesty's government.

The Earl of *Roseberry* said, he rose merely to declare, that it was his intention to support the original motion, not from any doubt of the sincerity of his majesty's government to carry into effect the complete recognition of the South American states, but from being persuaded that a strong expression, on the part of the parliament of this country, of their deliberate opinion on this question, would furnish the best aid to the government in their negotiations, and be the means of removing whatever impediment might at present exist, in the way of a speedy and satisfactory adjustment of it.

The Marquis of *Lansdown* briefly replied. He contended, that the noble earl opposite had not urged a single reason which could justify his majesty's government in delaying the recognition of the independence of South America, beyond that which was founded on the prospect of Spain shortly acknowledging the independence of her colonies. Now, whether the noble earl opposite regarded Spain as an independent state, free from the shackles and control of France, or whether he regarded her, as she really was, the degraded and debased dependent of the French monarchy, he would at once withdraw his motion, if the noble earl, or any one of his majesty's ministers, would lay his hand on his heart and say, that he thought Spain would, in a short time acknowledge the independence of her colonies. They all knew what the Spanish government had been, and continued to be; they all knew the reluctance which Spain had formerly shown in recognising the independence of Holland. If the noble earl waited until the independence of South America was recognised by Spain, it would never fall to his lot to acknowledge their independence—that glory would devolve to some ingenious and eloquent statesman yet unborn, who might fill the noble lord's place. Feeling, as he did, a deep interest in the independence and immediate prosperity of the South American states, and believing that their welfare was intimately connected with the prosperity of this country and of the world, he thought that the recognition of their independence ought not to be delayed for a single month, or week, or day. The noble earl had spoken of the establishment of diplomatic relations as a mere form; but he could not but be aware, that, in the eyes of civilized Europe, the greatest importance was attached to those forms. The complete recognition of the independence of the United States, by the opening of diplomatic relations on the part of this country, had given to those States, in the eyes of Europe, an importance which, until that measure was adopted, they had not acquired. With the independence of South America were connected the happiness, prosperity, and greatness of Europe and of the world. The march of civilization, science, and improvement, could not advance in the other hemisphere without reacting on Europe, and without strengthening the resources of our own country in proportion as we cultivated a closer relation with those rising States. Above all, it afforded the best prospect, and the most extensive resources, for arresting one of the most formidable combinations, which, since the tyranny of Bonaparte, had ever been formed against the liberties of mankind.

The House divided: For the Marquis of Lansdown's motion 34; Against it 95; Majority 61. The Earl of Liverpool's amendment was then put and agreed to.

HOUSE OF COMMONS.

Monday, March 15.

Distilleries—Petition of Rectifiers to convert Rum into Gin.] Mr. *Hume* presented a petition from certain individuals, rectifiers of British spirits, in and near the city of London. They represented, "That they had invested a large capital in the purchase of works near London, for the rectification of spirits; and stated, that notwithstanding it was declared by law that no distiller should be also a rectifier, a great many distillers were at this time rectifiers; that about six of the large distillers regulated the markets and prices in London; and that those individuals were also distillers." Now, he could not take upon himself to vouch for the truth of these several allegations, but their matter was of extreme importance, and well worthy the attention of the House. The petitioners further represented, that those large distillers used stills of the capacity of 3,000 gallons and upwards; and could effect, therefore, a very serious operation, at all times, on the market; the rectifiers not being able to obtain supplies of spirits from the distillers as they wanted them, if the distillers chose to withhold; and the distillers assigning no reason for the defect of supply. The petitioners prayed, that in justice to themselves and to the trade generally, the House would appoint a committee to inquire into the expediency of licensing stills of smaller dimensions than were at present allowed; by which means the monopoly complained of would be defeated, and the inconveniences at present experienced would be prevented. They also prayed a permission to distil British spirit from rum, the produce of our West India colonies—a measure which, while it would be of great benefit to the West-Indies, would rescue the freedom of their own trade from the hands of six principal distillers. Now, it was not possible for him to vouch for the truth of all these allegations; but he had been assured by a professional man, that he should be able to prove every one of them at the bar of that House. It really seemed to him, that, if it had been thought proper to permit in Scotland and Ireland a reduction in the size of stills, it might be expedient to consider whether the same permission should not be extended to England. The other proposition about the relief to be derived by the West-India colonies, from permitting the distillation of British spirits from rum, was one of extreme importance. If rum was now almost a drug in our markets, such a scheme seemed to offer a great chance of increased consumption.

Mr. *Ellice* said, he wished to call the particular attention of the chancellor of the Exchequer to the statements of the petition. It was most important, as far as regarded relief to the West Indies. The right hon. gentleman had stated the intention of government to reduce the duty on rum by 13½*d.* per gallon; but that reduction would be of little consideration, unless the rectifiers were allowed to convert rum into gin. It was stated, that there existed a monopoly which worked great injustice, particularly to the rectifiers, who were obliged to look to the English distiller for a supply of the material which they worked. The price of English spirits stood at 4*s.* 8*d.* the gallon; that of West-India spirits, stood at 1*s.* 6*d.* Now, he would wish to know on which of those principles of free trade, of which they had lately heard so much, was it that the commodity of a West-India planter was so much reduced, in comparison with the article of the British distiller? He could not see why the consumer of West-India spirits should not have the benefit of a cheap article, and the West-India planter the relief which would follow from an increased consumption. With respect to the question of revenue, he was satisfied that the planters would be contented with even half the proposed remission of duty, if the rectifiers were allowed to rectify rum as well as English spirits.

Mr. *Benett*, of Wiltshire, conceived that to allow the rectifying of West-India spirits, as proposed by the petitioners, would be extremely injurious to the growers of barley, and generally to the landed interest of England.

Mr. *W. Smith* said, that if any case had been laid in this petition for the appointment of a committee, not only would he himself have been friendly to such a measure, but that respectable body, the malt-distillers, would have entertained, he was sure, no sort of objection to it. With all his high opinion of the public services of his hon. friend (Mr. Hume), and his conviction that, generally speaking, his hon. friend, had proved to be in the right when error was most strongly imputed to him, he did think that his hon. friend would experience the value of his own declaration, that he would not be answerable for the truth of the allegations in this petition. Last week he (Mr. S.) had happened to see the name which stood at the head of the subscribers to this petition; and he had then been told, by a member of the House, that the true reason of that person's inability to obtain spirits from the distillers was, not that they would supply the rectifiers, but that the credit of the individual himself was not such as to induce them to deal with him.

Ordered to lie on the table.

Abolition of Slavery.] Numerous petitions were presented, praying for the Abolition of Negro Slavery. On presenting one from the city of Norwich,

Mr. *W. Smith* said, that in justice to his constituents, nearly all of whom had signed this petition, he could not avoid making one or two remarks upon the language held in the papers which had come from the West Indies. It had been stated in some of these, that the whole of the measures introduced on this subject had originated with a wild, mad-headed, fanatical party in this country. If the advocates for the measures alluded to were such a party, he was happy in being one of their number. Whether his majesty's ministers had voluntarily supported those measures, or been driven to them by this wild and fanatical party, he would not say; but most certainly their conduct was praiseworthy in what they had done. The hon. member next condemned the language held on this subject at some parochial meetings in Jamaica, and added, that if his majesty's ministers had forborne to notice it, it must have been from motives of pity and contempt towards the parties using it.

Mr. *Watson Taylor* said, he could not approve the manner in which some of these petitions for the abolition of slavery were got up. In his own country, itinerant adventurers had come down with petitions ready prepared. He would not say by whom those parties were sent, but certainly their conduct was far from being praise-worthy. They addressed themselves to the passions of the people on the subject of negro slavery, rather than to reason. The poor artisan, mechanic, and peasant, were asked, whether they objected to seeing persons in perpetual slavery; and on answering, of course, in the affirmative, they were requested to sign the petitions presented to them. He could not think this a fair way of collecting the opinions of the public on this important subject.

Mr. *Grey Bennet* defended the conduct of those who had made themselves active on this occasion, and contended, that some of the wisest and most humane men in the country were amongst the number of those who were favourable to the abolition of slavery. He was surprised to find hon. members so hostile to the exercise of the right of petition. He thought there must be something bad in the system, when gentlemen were so afraid of having it inquired into.

Mr. *Watson Taylor* said, he had not intended to make any objection to the right of petitioning, which he had always considered as amongst the most valuable privileges of the people. It was the abuse, and not the use of the right, to which he objected. He did not mean to impugn the motives of those who were adverse to the principle of negroe slavery; but he could not approve of the means which had been resorted to for getting up the petitions on the subject.

Mr. Secretary *Peel* earnestly entreated gentlemen not to anticipate a discussion on this important question, which must come on in the regular course in the next twenty-four hours. He hoped that hon. members would rather wait until they had heard the statement of which his right hon. friend (Mr. Canning) had given notice, respecting it, and which stood for to-morrow.

Ordered to lie on the table.

BEER AND MALT DUTIES—MODE OF COLLECTING THEM SEPARATELY.] Mr. *Maberly* rose, pursuant to the notice he had given, to submit his motion on the subject of the inequality of the duties paid by different classes of the public on Beer and Malt. He began by observing, that when the subject was before the House on a former occasion, but little had been said upon it, and he believed it was one which was not well understood. It was, however, as he viewed it, very simple, and rested upon the principles, whether one class of his majesty's subjects should be taxed higher than the others, and whether the persons taxing should reap all the benefit of this inequality. As there were various acts of parliament connected with the subject of the beer and malt duties, he did not think it expedient to enter into the question in all its ramifications. He would, therefore, confine himself solely to one branch of it; namely, the interests of the parties taxed, and the inequality of the mode of taxation. In order that he might not be misunderstood, he would now state the nature of the motion with which he should conclude. He would move "That a Select Committee be appointed, to inquire into the present mode of taxing malt and beer separately; and whether it would not be expedient to collect the same amount of duties on malt alone, thereby taxing all consumers equally, instead of, as at present, taxing one class of malt consumers at 2*s*. 6*d*. per bushel, and another at 6*s*. 10½*d*. per bushel; and one class of beer consumers at 5*s*. 8½*d*. per barrel, and another at 15*s*. 8½*d*. per barrel, for the same qualities of malt and beer." He would now proceed to prove what he had advanced in this motion, reminding the House, in the first place, that the present duty on malt was 2*s*. 6*d*. per bushel, or 1*l*. per quarter, of eight bushels; and that this duty was paid only by private brewers, who contributed nothing to the duty on beer. The public brewer, however, paid a very different sum; he brewed three barrels and a half of strong beer out of every quarter of malt, and the duty he paid was at the rate of 10*s*. per barrel, or 1*l*. 15*s*. upon the three and a half barrels, which, together with the malt duty of 1*l*., made 2*l*. 15*s*. This sum divided by eight, the number of bushels of malt in a quarter, gave 6*s*. 10½*d*., one of the sums stated in his motion. Thus, the greatest injustice was done, the private brewer paying only 2*s*. 6*d*. per bushel on malt, and the public brewer 6*s*. 10½*d*. With regard to the duty on beer, the case would stand thus: the private brewer paid 1*l*. duty on his quarter of malt, out of which he made three barrels and a half of beer; and dividing 1*l*. by 3½, the result was a duty of 5*s*. 8½d. per barrel. Upon the calculation, that the public brewer extracted as much from a quarter of malt, his situation was this—he paid 1*l*. upon the malt, and an additional duty of 1*l*. 15*s*.; as before stated, which two sums divided by 3½, made his duty amount to 15*s*. 8½*d*. per barrel, the last sum mentioned in the motion he had read. Now, this was the difference which he wished to abolish. He could not see upon what principle of justice the poor man, who was generally the consumer of the beer made by the public brewer, should be obliged to pay 10*s*. per barrel more for his beer than the private brewer, who could always better afford it. He would now proceed to show the great difference in the sums thus paid in duty by the poorer classes and the rich. From returns not yet printed of the quantity of malt which had paid duty in England and Scotland in the year 1823, it appeared that the number of bushels was 27,288,380. The quantity consumed by public brewers, distillers, and vinegar manufacturers, he took to be 16,755,757 bushels, leaving, as the quantity consumed by the private brewers, 10,532,623 bushels. The way in which he arrived at these results was this—he found by the returns, that there were brewed in England and Scotland in the course of last year 6,212,744 barrels of strong beer, which, at the average of eight bushels of malt to every 3½ barrels of beer, would make a consumption of 14,200,557 bushels. The quantity of table beer brewed by the public brewers was 1,621,623 barrels, making a consumption of 1,995,200 bushels; to these, adding the quantity consumed by vinegar manufacturers and others, which he took at 560,000, the whole would amount to the number of 16,755,757, leaving the difference, 10,532,623, as the quantity consumed by private brewers.—The hon. member then proceeded to show that taking the same proportion of strong-beer and table-beer among the private brewers as among the public brewers, it would appear, that there were 3,949,733 barrels of strong beer brewed in the year. These, if subjected to the same duty as the beer brewed by the public brewers, would produce a sum of 1,974,866*l*. 10*s*. The quantity of small beer brewed, amounted to 1,621,103 barrels, which at 2*s.* per barrel, would make 122,530*l.*, making in the whole the sum of 2,097,397*l.*, which the poor classes were almost exclusively called upon to pay, and from which the rich were exempt. He was in possession of an account of the number of barrels of beer brewed last year, which was as follows:—of strong beer, 6,212,744; of table beer 1,621,103; of intermediate beer only 6,892 were brewed, and by 55 individuals. The duty paid upon that quantity of beer, was 3,270,205*l.* Deducting the expense of collection, the amount of duty paid into the Treasury would be about 2,800,000*l.* These facts alone showed that inquiry was necessary. If any class deserved peculiar favour, it was not the rich, who could so well afford to pay, but the poor, who earned every farthing they spent by the sweat of their brows. To the working part of the community, porter had become a necessary of life, and upon this chiefly the duty was laid. Another objection to the present system was, the increased expense in the collection of the duty. If the whole duty were laid on malt, the revenue might be collected without a shilling of additional charge; for whether that duty were 2*s.* 6*d.* per bushel, or 4*s.* 6*d.* per bushel, could make no difference. The present expense of collecting the malt duty was 165,462*l.*, while the expense of collecting the Beer duty was 295,927*l.*, the whole of which might be saved to the country, and further taxes reduced to that amount. He was aware, that he should be told, that the accounts of the expenses of collection were not accurate; but if so, this formed another ground for inquiring into the subject, for they ought to be correct. The hon. member for Aberdeen had, however, last year, satisfactorily answered this remark, when he had said, on the authority of the commissioners, that the charge was as fairly as possible apportioned. A note had, nevertheless, been appended to the returns, in order to inform the House, that the same officers were employed in the collection of various taxes, and that there was no tax on beer in Ireland. In fact, it had been found very expedient to remove the beer tax in Ireland, and to place the whole duty on malt; for it was now satisfactorily paid, and the trade had been freed from monstrous restrictions. These restrictions had been imposed very recently by 1 and 2 Geo. 4th, c. 22, "to prevent frauds, and the better to secure the payment of the duties on beer." Perhaps, a harsher law had never been passed. The Scotch brewers, unable to carry on their trade under it, had appealed against it; as they had not even heard of the law, until it was to be carried into execution. The reply of the commissioners to the suggestion that the whole duty should be laid upon the malt was, that it would lead to the deterioration of the beer, and that his majesty's ministers were bound to regard the health of his majesty's subjects. Now, he advised the king's ministers not to intermeddle with this matter—to let the king's subjects take care of their own health—and to allow them to buy their beer of whatever brewer sold it best and cheapest. Mr. Lushington had made a somewhat similar reply to the Scotch brewers. By the course the Lords of the Treasury had pursued, they had taken upon themselves to fix the price of two qualities of beer, as well as to guard the health of the consumers; namely, table beer, and intermediate beer. Why did they not follow the same plan with spirits, wine, coffee, sugar, or even with cotton and woollen goods? They might have done so with equal justice and fitness. If additional securities were necessary to guard the public, or to prevent fraud, he had no objection even to double penalties, if they would be effectual. But, what had been the consequence of thus fixing the price of table beer and intermediate beer? The brewers, unable to obtain an advance of price, in self-defence, as malt and hops rose, had been obliged to give the public absolute trash, instead of a wholesome beverage. From a document in his hand, it appeared, that what the brewers were compelled to sell at 6*l.* 18*s.* if made of malt and hops at the present price, would cost them 7*l.* 10*s.* 6*d.* Who in truth sustained the loss? the public—that public, for the health of which ministers were so extremely anxious!—The argument of last year had been, that to comply with the present motion would be to impose too large a duty on one article; but, during the war, this objection had never been started, when the impost upon malt was 4*s.* 4½*d.* per bushel, and he (Mr. M.) only proposed to raise it to 4*s.* 6*d.* He was besides informed by persons well acquainted with the subject, that, by the simplest laws, it would be easy to prevent the possibility of fraud, if the whole duty were laid upon the malt. It had been also urged, that farmers gave beer on which they paid no duty in lieu of wages. If so, he was prepared to contend, that farmers had no right to this special privilege of buying an article free of duty, which others were compelled to pay, and giving it to their men instead of money. They had no more claim to do so than the cotton or linen manufacturers; and it would not have been tolerated, but for the extreme forbearance of ministers towards the landed interest, to whom the country was indebted for this species of legislation: the principle was most unjust, and, though it had long prevailed, it ought immediately to be put an end to. The chancellor of the Exchequer had also said last year, that he did not like to make any changes in the collection of the duties while so great an alteration was in contemplation in the collection of the duties on spirits in Scotland and Ireland. At present, however, the right hon. gentleman need be under no apprehension on that score. He (Mr. M.) was convinced, that the effect of the amendment he proposed in the system, would be to increase the consumption, augment the revenue, and satisfy the people by equal and just taxation.—He had heard rumours abroad, that a measure was about to be brought forward to equalize the duties on beer; but the House would perceive that such a bill would not relieve the people. Supposing the whole duty upon beer were fixed at 5*s.* per barrel, still stronger laws would be required for the collection of the duty, and for the prevention of fraud. Where would be the benefit to the lower orders? Persons who bought strong beer, might be relieved; but that large class of the community which consumed table beer, would suffer proportionably. He hoped, therefore, that the House would not lend itself to any such unequal project. The chancellor of the Exchequer was a man of too liberal and of too enlightened a mind not to see most clearly the advantage of what he (Mr. M.) now recommended; but he did not dare to act up to his own convictions; he knew that he should be opposed by the landed interest—that the country gentlemen would immediately declare (as one of them had done not long since, when agricultural distress caused a temporary aberration) that it was time to look about them—that the best interest of the land were at stake, and that a stand must be made before all was lost. The right hon. gentleman was aware that he should be assailed on all sides if he consented, and that he should not be allowed to quit the lobby without retracting his approbation [hear, hear!]. He asked him, nevertheless, why he sat there as the minister for the whole state, and bound to protect the interests of all classes alike, and yet consented to this unequal duty, which pressed so heavily upon the poor, for the exclusive benefit of the rich? He knew that no satisfactory reply could be given, but there was every probability that something would be attempted. The right hon. gentleman and the colleague at his side (Mr. Huskisson) had recently supported great improvements in external and internal legislation, and they were entitled to much praise for their exertions, they had so far adopted the principle for which he (Mr. M.) was contending; but, inasmuch as he applauded them for adopting it, he blamed them for not going further; and he called upon them to state on what ground they thought proper to stop short, when so reasonable a proposition as the present was made? They were ready to legislate liberally, and in an enlightened spirit, on silk, linen, and wool; but when it was suggested that they should extend the system to beer, on which there existed such inequality and injustice, they declared that they were not prepared to take such a step. Why were they not prepared? The reason was plain, though not avowed—the landed interest would not allow them [hear!]. The poorer classes those who most needed them, had no such powerful advocates.—The right hon. gentleman had recently acknowledged the very principle for which he (Mr. M.) was contending. After the late reduction of the duty on windows and houses, the commissioners of taxes sent circulars to all their surveyors, requiring them to re-survey the houses in their several districts. The greatest ferment and anxiety were created; and, in consequence, orders were sent down to stop such an obnoxious proceeding. In what way had the right hon. gentleman explained this course? Why, almost in the very terms which he (Mr. M.) had employed on the subject of beer. The right hon. gentleman had said, that he thought it expedient that whatever duties remained should be borne equally by all parties. He had acknowledged that such were the principles of sound legislation; and how could he now turn round in the face of his own acknowledgment, and disown the application of the same principles here? How could the right hon. gentleman contend that what was good with respect to windows and houses was bad with respect to beer and malt? Where was the distinction? There was none in fact: and he defied the right hon. gentleman and all his friends, to point it out. The distinction lay in the consequences, for, in the one case, the chancellor of the Exchequer could pursue an equitable system, without danger; and in the other, he dared not be just, because he stood in dread of those who were more powerful than himself, the country gentlemen [hear, hear!]. Such was the effect of ministers making themselves dependent upon those of whom they ought to be independent, instead of looking to the people, grateful for just and equal taxation, for support and approbation. If the committee were granted, he would suggest, that an additional duty of 2*s.* per bushel should be placed upon malt, making the whole duty 4*s.* 6*d.* per bushel. Malt had borne during the war a duty of 4*s.* 4½*d.*, with all the present beer duty in addition, and all he wished was to raise it three halfpence higher, and to do away with all the existing duty on beer. When once this system was carried into effect, a man might drink his beer exactly of the strength he liked, without being under any obligation to the chancellor of the Exchequer for preserving his health, and might at once consult his palate and his pocket. Another advantage of the change would be, that the brewers would be left open to the exercise of their skill in the chemical process in which they were engaged. Under the prevailing restrictions, skill and experience were of little or no use to them. Hereafter they might be able, by improvements, to draw a greater strength from the same quantity of malt; the price of the article might then be lowered, and the public in all ways signally benefitted. The great advantage, and that which above all others ought to be contemplated was, that all classes of the people would be taxed equally. At present the great mass of the population, and those who were least able to sustain the weight, endured nearly the whole burthen; and if this motion were rejected by those who wished to exonerate their own pockets, who could doubt for a moment that the House needed reform? The first principle of taxation was justice and equality, and if the House refused to carry that principle, as far as possible, into effect, it would afford one of the strongest arguments, to those who maintained that it did not represent the wishes or the interests of the people. Persuaded as he was, that he had made out a very strong case for going into the committee, he could not believe, until the House convinced him of the fact by its vote, that it would not support a proposition, so just and reasonable, and which without at all deciding the question, merely asked for investigation. The hon. member concluded, by submitting the motion which he had read at the opening of his speech.

The *Chancellor of the Exchequer* said, he was by no means prepared to admit that this question had been so imperfectly discussed last year. He did not flatter himself, that any thing he had then said was sufficient to persuade hon. gentlemen on the other side of the House; from their votes at the time it was quite clear that they were not convinced against their will, although several members who disapproved of the motion had stated many unanswerable reasons for not consenting to the proposed committee. He would fairly confess that since the last debate on this question, nothing new had occurred to him, nor had a reconsideration of what had passed induced him to change the view which he had then taken of the subject. He could not therefore pretend that he was furnished either with new light or fresh information, and he much feared that his stock of ingenuity was far too small to furnish new arguments every time the gentlemen opposite chose after defeat to renew their motions. As it was rendered necessary, by the course which had been pursued, he would briefly re-state the grounds on which he had rested his opinion that it was inexpedient to acquiesce in the motion just submitted. The hon. gentleman had recommended his proposition, as being safe and salutary on two accounts principally. First, he had appealed to the anxiety of the House for economy; and, secondly, he had appealed to its love of justice. He had maintained, that by dividing the tax between beer and malt, the nation incurred a greater expense than if it were placed only upon one; and, further, that it was most unfair to relieve the rich at the expense of the poor. These general principles were undoubtedly very good, and in this case they had only the slight defect of wanting application. As to the expense of collection, he could only repeat what he had said last session—that it was a fallacy to assume that the expense of collecting the beer duty was that sum which, according to ancient usage, was assigned in the Excise returns as the charge. Excise officers did not perform one duty only; they collected the imposts, not alone on malt, but on soap, candles, and every thing on which their services might be required. It was quite true, that there had always been charged (perhaps most absurdly) upon the collection of the duties on malt and beer certain other expenses, which had, in fact, nothing to do with them. It was quite obvious, that if the same individuals were employed on different duties on the same day, it was impossible to define exactly how much of the charge ought to be borne by the one or by the other. They could not employ one officer of the revenue in collecting one particular tax without assisting in the collection of the others. He was therefore not disposed to admit, that if the duties on beer were repealed, the whole of the 295,927*l.* now set down for the expense of the collection of that duty would be saved; for he could not conceive how the hon. gentleman was warranted in not allowing an additional expense for the collection of a double duty on malt, if such a duty were imposed. He could not conceive how the hon. gentleman assumed, that, if they doubled a tax, the temptations to evade which were already so great, no additional trouble and expense would be necessary in insuring its collection. The hon. gentleman, indeed, seemed to think, that the malt tax never was evaded; but this was a supposition unfortunately altogether incorrect. If they doubled the tax, the inducement to fraud would be doubled, and greater vigilance would be required to detect fraud. It was impossible, therefore, to calculate upon the saving of 295,927*l.* The system of the hon. member was not to cause any loss to the revenue; but his proposed increase of the duty on malt did not seem adequate to secure it against loss. The duty on beer produced about three millions sterling; while, in the last year, the quantity of malt that paid duty was 27 millions of bushels. Two shillings per bushel additional duty would produce, on this quantity, only 2,700,000*l.* There would therefore remain 300,000*l.* to be made up. The hon. gentleman might say that he would proportionably increase the duty; but, said again, that, in so doing, he increased the temptations to evade the duty, and, *pro tanto*, diminished the benefit to those for whose advantage the change was projected. The hon. gentleman said, that the duty was extremely unequal. Now, he could not pretend, abstractedly speaking, to say that it was not unequal, as the malt used in the breweries of the public brewer might be said to pay altogether an amount of duty beyond that paid on the malt used by those who brewed their own beer. But, practically, the effect was not so severe as the hon. gentleman had contended; because, in reality, those who brewed their own beer, and were thus exempted from the beer tax, could not brew their own beer at so economical a rate as it was brewed in the great establishments of the public brewer. Though this was no argument in favour of the inequality of the principle, it was a good one to show that the hon. gentleman had over-rated the degree in which that principle operated in practice. The hon. gentleman assumed, however, that all persons who brewed their own beer were rich and that all persons who bought the beer of public brewers were poor. This was a proposition which it was necessary to take with many limitations. In the first place, nearly all the inhabitants, of this metropolis, which always comprised so many opulent persons, and during part of the year a great proportion of the nobility and gentry of the country, drank beer which paid the duty. In all towns a large portion of the inhabitants living in easy circumstances, who certainly could not be classed with the poor, also drank the beer of the public brewers. On the other hand, there were a great number of persons who brewed their own beer who were in poor circumstances. Certainly, in the county with which he was more particularly acquainted, and in Yorkshire, private brewing was common, not only among the very small farmers, but the artisans in villages, and even the manufacturers. To that class it would be a great hardship to impose an additional duty on the malt they used in brewing—a hardship not depending merely on the increased pressure of taxation, but which would hav the effect of driving them to the public house, of introducing a pernicious syster and of depriving them of the great comfor as well as of the advantage to their moral of consuming their own beer with th families. The hon. gentleman had riculed one defence which had been set up for the beer duty; namely, the plea, that it enabled the Excise officers to detect frauds which might otherwise be practised on consumers, by the use of deleterious drugs in their beer. Certainly, he would not say that the utility of the safeguard thus afforded to consumers was by any means a sufficient reason for imposing a tax, or for continuing that tax if they were able totally to repeal it; but he would say that when the proposition merely was, to shift the taxation from one item to another, it was an objection to the proposition, that an incidental effect of the change was to deprive the consumer of the protection which the supervision of the Excise afforded to him. The hon. gentleman seemed to think, that in all cases the consumers were able to protect themselves against these frauds; but he would learn, that though there had been many frauds detected which had been practised by brewers, before considered very respectable in their line, it was never merely by the nicety of the palate of the consumer that the discovery was made of the fraud so practised upon him, but always either by the evidence of the brewers' servants, or by the increased vigilance of the officers of the revenue. The hon. gentleman had thrown ridicule on the measure introduced last year for extending the sale of beer. Now, for his own part, he had never made much account of that measure. He had not been insensible to the objections which would be urged against that, or against any system of taxation, which threw restraints upon industry. He was not without hopes, however, that he could do away with the inconveniences of the Bill which he had introduced. He stated this rather by the way, than as any answer to the hon. gentleman's motion; because the difference between them was not, whether they ought to reduce or modify the duty on beer, but whether they ought to take it off altogether and throw it upon malt. He did not now pretend to state any thing new. He had only repeated the observations which he had made last year, and which had then not been so unsatisfactory to the House as they obviously had been to the hon. gentleman. In conclusion, he would contend, that however desirable t might be to reduce the duty on beer, it as not by throwing it on malt, that the dvantage of such a reduction would be ecured, and that there was no information on the subject which they had need have recourse to a committee to supply, the proper step for the House was, to give a negative to the motion.

Mr. *Hume* contended, that the arguments of the hon. mover had recieved no sufficient answer from the chancellor of the Exchequer. As to the assertion that by a transfer of the duty from beer to malt, there would be no economy in the expense of collection, he begged to dissent entirely therefrom. He wished they had before them the chairman, or any other proper officer, of the board of Excise, to put to him this question—"Do you not, in appointing your officers in any part of the country, calculate the number of hours that their occupations will furnish them, so as fully to employ their whole time?" He knew the answer would be in the affirmative; for no part of the public business was so attentively and laboriously performed as that done by the officers of the Excise. If these officers were employed once a day, or every other day, for three or four hours in each brewery, it was obvious, that, when this source of employment was taken away, a much smaller number of officers would be required, and a reduction might take place to a very large extent; though it was difficult to state the precise saving which might be effected. In regard to the chancellor of the Exchequer's answer to the objections drawn from the inequality of the tax, that answer amounted to this—"there is an inequality, but that inequality is not so great as the hon. mover has contended." Now really, in arguing a question of this kind, it mattered not whether one half, or a third, or a quarter of the poor were unequally affected. The question was, whether a tax was unequal or not? and, that it was unequal the right hon. gentleman had admitted. The truth was, that the great body of labouring people in the large towns were those upon whom the beer tax pressed with all its severity. As to the agricultural interest, so far from their being injured by the additional duty on malt, accompanied by a reduction of the tax on beer, the increased consumption of malt which would accompany the measure, and the stimulus that would thus be given to the growth of barley, would more than counterbalance any burthen that might be thrown on them as brewers of their own beer. The chancellor of the Exchequer should recollect how he was cheered when he declared, in reference to the house-tax, that so long as taxes were continued, they should be equally imposed on all classes. But, if this observation applied to the house-tax it applied also to the malt-tax. A tax unequally levied was unjust. It was proper at least to go into a committee, to see whether the tax could not be equalized, or if not equalized, whether it could not be levied in a manner which would interfere less with the freedom of trade. It might be a matter of consideration, when they had heard the evidence in a committee, whether the additional duty on malt should be imposed on those who brewed their own beer; and if it should not be thought fit to tax them, they might perhaps impose, in lieu of the beer tax, an additional tax on the malt used in the brewery of the common brewer. Of such a measure as this, one good effect would be, to free the breweries from the presence of the Excise officers. He understood that this measure had been tried in Ireland, and that the results had been most beneficial. On every point, he thought the chancellor of the Exchequer had failed to shew that the House should shut out information, and he should therefore support the motion of his hon. friend.

Mr. *Wodehouse* said, that the motion was, in many respects, so objectionable, that he could not give it his support. Though it could not be denied that the Beer-tax was unequal, yet, when the hon. member contended, that the whole of the beer brewed by public brewers was drunk by the poor, it was the most preposterous proposition ever made by man.

Mr. *Maberly* denied that he had used the argument in an unqualified sense.

Mr. *Wodehouse* said, that although he might not have used the hon. member's words, yet he thought he had not mis-stated the tenour of his argument, and was positive that the hon. member had insinuated that the chancellor of the Exchequer persevered in his present views, in base compliance with the feelings of the country gentlemen. The hon. gentleman had done the same thing last year, when he promised in magnanimous terms, to hold them up to public notice: he had, he supposed done so by the present motion, and he wished him joy of the result. The hon. member had said, that if the duty were transferred, he was ready to concede any penalties to prevent abuses regarding malt; but, was he not aware of the enormous penalties and restrictions which at present affected that trade? The first payment of the malt duties to government was in the month of October, and that was the time most essential for the small farmer to go and seek a market.

Mr. *Maberly* interposed to explain. What he had said respecting penalties was, that he should be ready to affix the severest penalties to the mixing deleterious drugs with beer.

Mr. *Wodehouse* said, that the explanation of the hon. gentleman did not affect the argument he was prepared to offer, which was this: If from 20*s*. a quarter, the malt duties were increased to 40*s*, a quarter, the payments to be made by the maltsters would be increased, and the effect in depressing the markets would be great in proportion. He hoped the chancellor of the Exchequer would take into consideration the state of the malt duties. In the last session he had not pressed the subject upon the chancellor of the Exchequer, because a great experiment (the medium beer bill) was then making. That experiment had completely failed, and he hoped now the chancellor of the Exchequer would again turn his attention to the subject. The hon. member had gone into many difficult calculations to suit his arguments; but he (Mr. W.) must dissent from some of his estimates. For instance, in a case like this, he could not consent to take one year by itself: it was a fallacious criterion; for in some particular years brewers and maltsters speculated more largely than they did in others. If he (Mr. W.) were to strike an average, he should rather take the three years before the late war, 1791, 1792, and 1793; and, computing it from them he found, that although the population of the country was at the time only eight millions, there was as great a consumption of malt as during the years 1821, 1822, and 1823, when the population had increased to eleven millions. Although he could not concur in the motion, he was anxious to see the duty on malt lowered, from a conviction, that the reduction would be attended with benefit, to the people and to the revenue.

Mr. *Denison* would support the motion, because he thought his hon. friend had demonstrated, that the alteration would save a large sum in the collection of the revenue, while at the same time it would materially serve the poorer classes. The saving might be over-rated; but that it would be very considerable he had no doubt, and that was a sufficient reason for going into the committee, where alone they could ascertain the precise amount. The chancellor of the Exchequer had said, that the rich as well as the poor were supplied from the public breweries. This was the case, he would admit, in London; but it was not in town that the rich incurred the great consumption of beer, but in their larger establishments in the country, where the old style of hospitality was maintained, and where the rich man could supply himself with the article 100 or 130 per cent cheaper than the poor person. A reduction of the beer duty was not only called for on the score of justice and economy, but to promote the morals of the people, by counteracting the pernicious practice of dram-drinking. He should therefore give his vote in favour of the motion.

Mr. *Cripps* said, there was no tax more evaded than the tax on malt. The number of private maltsters who contrived to carry on their business in spite of the vigilance of the Excise officers, was inconceivable to those who had not the means of inquiring into the subject. To increase this tax would increase the evil, and he should therefore oppose the transfer of the beer duty to malt. There were no complaints of the beer tax as an unequal tax, and therefore it was to be presumed, that it was not felt to be such by the people. If, on the other hand, they reduced a part of the malt tax, he had no doubt the result would be most beneficial both to the revenue and to the agricultural interest.

Mr. *Monck* said, he was sorry he could not support the motion of the hon. member for Abingdon. If there was an inequality in the beer tax, it was an inequality which had existed from the very origin of the Excise. It was known that the tax on beer was a part of the hereditary revenue of the Excise, given to Charles 2nd in lieu of the wards and liveries; while it was not until the reign of William, that the landed interest would submit to a malt tax, justly considering it as a species of land tax, because the great consumption of malt was in the beer given to farmers' labourers. Now, he thought that, so far from amending an inequality by adopting the proposed motion, they would be exactly introducing one. The existing one was only apparent, while the proposed substitute would be real. The true way of looking at any large tax was, to watch its general operation; and he denied that, in the present case, the duties were partial. Let them look at the weight which at present fell upon the shoulders of the landed interest. They had to bear almost exclusively the poor-rates. They had exclusively the conveyance of vagrants, the county-rates, the high-ways, and several other local imposts, which did not belong to other classes of the community. It was absolutely necessary that some sort of boon should be given to the landed interest, as a compensation for these exclusive burthens. If the hon. gentleman wished for absolute equality, he might as well press for the repeal of the legacy duty, because it pressed on personal property only; the legislature having conceived, in passing it, that the land was already sufficiently burthened by other impositions. In many parts of the country, and in the country towns, many of the poor people brewed their own beer; and if the practice was not more general, it was on account of the duty, already too high, which was levied on malt. He was firmly convinced, that if the present motion were carried, the poorer classes, instead of being served, would be injured. He denied that there was any analogy between the case of England and of Ireland. There was no consumption of beer in Ireland, as there was in England, either among the rich or poor; for the rich in that country drank wine, and the poor whisky. Agriculture in Ireland was not burthened with the poor-rates, the land-tax, and such assessments. Not concurring in the opinion that benefit would accrue from the adoption of this motion, he must give it his opposition.

Captain *Maberly* said, there was an inconsistency in the argument of the hon. gentleman who had just spoken, and who had at first contended that it was improper to remove this tax, because, in other respects, the taxes on land were unequal. He told them, in the first place, that the land paid the poor-rates, the county-rates, &c. which personal property did not pay, and that therefore the taxation was unequal; but, on the other hand, he stated, that personal property was charged with the legacy duty, and the tax on the probate of wills, which the land was not charged with. While the hon. gentleman contended for the inequality of the system of taxation, as it affected land, he, with the same breath, admitted that it was equal. The chancellor of the Exchequer had contended, that the taking off of the beer duty would drive the poor to the public house. But, did he not know, that if they took off the duty on beer, it would be in the power of a much greater number of the poor to drink it at home, because at present beer could not be hawked abroad in quantities convenient for the poor to purchase and consume at home? He thought the arguments of his hon. relative had not been answered, and should therefore vote for the motion.

Lord *Althorp* said, that on the best consideration he had been able to give to the subject, he felt himself bound to vote against the motion. He thought his hon. friend proceeded on the old fallacy, that two and two in taxation always made four. He calculated more than he had a right to do, on the effect of the measure in reducing the expense of collection. From the great inducements to fraud, he thought that reduction would not be practicable, to any considerable extent.

Mr. *C. Smith* opposed the motion for going into a committee.

Mr. *Maberly* replied. He said, that the propositions contained in his motion went to shew the inequality that existed in the duties on malt and beer; and he had heard no argument whatever on the other side, to prove that that inequality did not exist. Indeed, that inequality was quite notorious; notwithstanding which the chancellor of the Exchequer had opposed his motion for a committee. It had been stated, that the saving, which he had estimated at 295,000*l.*, had been overstated; but his statement was founded upon the apportionment of the commissioners themselves; and then, to his astonishment, the chancellor of the Exchequer said, "Oh! you must not depend on those statements; they are not correct." Was it not monstrous to hear it advanced in that House, by a chancellor of the Exchequer, that the House was not to depend upon his own accounts? What other guide had a member to go by, than the public documents which were presented for his inspection? Upon these documents, however, he should stand; for the chancellor of the Exchequer had not advanced a single argument to refute the inferences which he had drawn from them. He considered the present system a most unfair, unequal, and oppressive land tax, of the worst description, because it fell upon the consumer. Notwithstanding what had been said by an hon. gentleman opposite, he would contend, that if the agricultural portion of that House understood their own clear, distinct interest, they would adopt the principle of a more equal taxation. They all seemed to argue the question as if this tax fell exclusively upon them; whereas, in fact, it only affected them in their capacity of consumers. The hon. member for Norfolk had expressed his surprise, that having failed last year, he should again bring forward the proposition now; but he could assure that hon. member, that he would do the same thing next year, and repeat it every year, as long as he had the honour of a seat in that House. The tax which he now sought to remove was that under which all the frauds had been committed, namely, the mixing of the article; for upon the malting, according to the evidence of the officers of Excise who had been examined, although the frauds were formerly considerable, they were now exceedingly rare. Much had been said respecting domestic brewing. He thought it was desirable, and he was one of those who practised it; yet, in consequence of the superior skill and advantages of the public brewer, there was little saving in it; but he thought that, if all the duties were equalized, and if all the beer which was consumed was manufactured by the public brewers, it would be had on much more reasonable terms. The chancellor of the Exchequer had said, that he was disposed to argue that an equality of duties was the proper principle for legislation; but, when it was distinctly shewn on the face of the motion that this inequality existed, he would not consent to enforce the principle which he approved. Even for the sake of consistency, after such a declaration, the right hon. gentleman ought to consent to the appointment of a committee.

The House divided: Ayes 26: Noes 130.

List of the Minority.

Anson, hon. G.
Barrett, S. M.
Bennet, hon. H. G.
Bernal, R.
Bright, H.
Butterworth, J.
Denison, J.
Fergusson, sir R.
Hobhouse, J. C.
Hutchinson, hon. C.
Leader, W.
Lennard, T. B.
Maberly, W. L.
Mackintosh, sir J.
Martin, J.
Newport, sir J.
Nugent, lord
Rice, T. S.
Robarts, G.
Robarts, A. W.
Smith, John.
Smith, William.

Sykes, D.	Wood, M.
Tierney, right hon. G.	TELLERS.
Whitbread, S. C.	Maberly, J.
Williams, W.	Hume, Joseph.

MUTINY BILL—CORPORAL PUNISHMENT IN THE ARMY.] On the order of the day for the third reading of the Mutiny Bill,

Mr. *Hume* said, he had given notice, on a former occasion, of his intention to propose a clause to be added to the Mutiny bill, when that subject should again be brought under the consideration of the House. He should now read to the House the clause which he meant to propose: it was this—"And be it further enacted, that it shall not be lawful to inflict corporal punishment, by flogging, on any private soldier, corporal, or non-commissioned officer, in the army or militia of the United Kingdom, any thing herein contained to the contrary notwithstanding." In a former stage of the bill, when he had endeavoured to obtain the consent of the House to this clause, and unfortunately without success, he had stated all the arguments which presented themselves to his mind, as likely to prevail upon the House to adopt it. He was not aware of any additional argument which he could urge on the present occasion, in favour of the view which he took of this question; but, since he had last addressed the House on the subject, he had had the good fortune to meet with an officer who had served in the army of Wurtemberg, from whom he had obtained some information which might not be uninstructive, in considering this subject. It appeared, then, that during the reign of the late king, the system of flogging had been carried to a great extent: it was frequently resorted to, but the severest punishment rarely exceeded a hundred canes. However, this species of chastisement was considered so disgraceful, and had so demoralising an effect upon the men, that they became callous and indifferent to the value of character; and it happened not unfrequently that, from day to day, the punishment was repeated on the same individual; and the only effect it produced was, to harden the offender, without in the least degree restoring that discipline, to accomplish which, this severity had been resorted to. Upon the accession of the present king, however, a different course was adopted, and at present no man in the army was subjected to this disgraceful chastisement. The consequence was, that the character of the men had considerably improved, and the state of discipline had become much superior to what it was at any former period. The punishment which had been adopted in its stead was solitary confinement; and the House would be surprised to hear, that eight or ten days was generally the longest period of confinement. There were three stages of imprisonment: one of three days, one of six, and a third of ten days, during which, the offenders were kept in solitary confinement, and subjected to irons and alterations in their food according as the case required. Whenever a man was punished twice for the same offence, there were two condemned battalions to which he was reduced; the one was kept for characters of the worst description; to the second, soldiers were sentenced from whom reform and improvement were expected. But even in these regiments, corporal punishments were seldom resorted to; and the consequence was, that officers who formerly had been adverse to the abolition of the practice, and who had been convinced that, without flogging, discipline could not be maintained in the army, had now completely changed their opinions, and had become converts to the more humane system, by which they found the character of the men was much improved, and the system of training rendered less difficult. Now, he saw no reason why the same effects might not follow the same cause in the English army. He could not say what hope was held out of promotion in the army of that country, but with respect to the British army, the encouragement and prospect of promotion was very trifling: in fact, the door of advancement was almost closed, and no man would now enter our service as a private soldier with any hope of promotion. But even in the absence of all such expectations, if the odious practice of torture and flogging were abolished, many men would go into the army for six or seven years, and then, after the experience they had gained, and the discipline to which they had been subjected, they might return to civil society much improved, and enabled to confer a service upon the community. But, no man could now enter the service and say, that in an unguarded moment he might not commit some act which any officer might interpret into an offence deserving of serious punishment, in consequence of which he might be disgraced for life, and disqualified for returning to an intercourse with society. Surely now, when the civilized views of modern times were calling for a reform in our criminal code, we should not be backward in endeavouring to try it in the military system. He did not ask the House to interfere with the troops abroad; but, at a period of profound peace, he thought the experiment might be tried with advantage on the army stationed within the united kingdom. At a time when we were legislating for the brute creation—a measure which he was disposed to support as far as it was practicable—it would ill become the House to turn a deaf ear to the interests and happiness of their fellow creatures. This barbarous punishment was productive of no advantage whatever to the service, and had a most injurious effect upon the soldiers. Disgrace followed each infliction, and it must, in a certain degree, blunt the feelings of those officers who were compelled to witness such disgraceful scenes. The proposition which he submitted, would not, in his judgment, be an innovation upon the privilege of the Crown. The king, he admitted, was the guardian of the discipline of the army; but that discipline was laid down in the Bill which they were now discussing, and the House had consequently the power to mark out any course which it might think prudent to adopt. He trusted that, unless it could be shewn that some danger would arise from the proposition he was about to submit, the House would consent to his motion with which he meant to conclude; namely, for leave to bring up a clause "to prohibit corporal punishment in the army."

Sir *H. Vivian* said, he fully appreciated those humane sentiments which had been expressed by the hon. gentleman. The policy of carrying into execution those feelings, as far as was practicable, he, as a commanding officer, freely admitted; and, he was sure, he might add, that there was no commanding officer in the service, who was not disposed to relax the severity of punishment, as far as was consistent with prudence and wholesome discipline. But, he must at the same time take leave to state, that it was no slight reflection on the character of the illustrious individual who presided over the army with so much advantage to the country; it was no trifling censure on those who held the rank of general officers, to suppose that they would not come forward at once, and endeavour to abolish the practice of corporal punishment, if it could at all be effected with safety to the army. But, let it not be supposed, by the gentlemen opposite, that they enjoyed a monopoly of humanity. He could tell those gentlemen, that the officers of his majesty's service were as deeply interested as they were, in the happiness of their fellows, and that their hearts beat as responsive to the best feelings of human nature. In his life he had never conversed with an officer on the subject, who did not, whilst he lamented the necessity of the continuance of the practice, declare at the same time, that he had never heard a proposal that could with safety be introduced as a substitute for the present system. But, if flogging was such a disgrace, why was it not sought to be abolished in our public schools? Did not gentlemen know that youths of sixteen and seventeen years of age—youths of education and refinement, and fine feelings too—were still subjected to this punishment? If it was a question of feeling merely, why did we not do away with capital punishment in our penal code? The reason was this, because all men were convinced that it could not be abolished, consistently with the public security. Gentlemen were very little aware of the consequences that would result from the system they were advocating. He would mention a curious circumstance that had come to his own knowledge. About ten years ago, he had been commander of a regiment, about a thousand strong: amongst the men considerable irregularities had manifested themselves of a sudden; the cause of which he was unable to discover, until, upon inquiry of the adjutant, he was informed that the men had got a notion into their heads that sir Francis Burdett had done away with corporal punishment in the army. It had been very truly observed, that "an army without discipline was more dangerous to its friends than its foes." In considering this subject, it was necessary to examine not merely the discipline, but the offences which soldiers generally committed. Details, he knew, on the subject, must be uninteresting; but he trusted the House would excuse him. It was well known that soldiers were recruited, generally speaking, from amongst the lowest class of the community, and almost always they were men of the wildest and most ungovernable description.

He had no objection whatever to this; for to that he attributed (he said it without vanity) the superior valour and intrepidity of the British soldier over every other in the world. He had generally found that the soldier who was the first to break over the barrack wall, was the foremost on service to break into the enemies' quarters. Over men of this character it was necessary to exercise strong control; since, if they were not controlled themselves, it was not improbable they might attempt to control others. The besetting sin of this description of men was drunkenness. Now, he did not mean to say that every man who got drunk ought to be flogged, far from it; his practice in his own regiment had been very different; but he did mean to say, that the power to flog any man who had so offended should still remain in the hands in which it was now vested. It was said, that solitary confinement would have as strong an effect upon the men as severe flogging. He would ask the advocates of this new mode of punishment, what they would do under the following circumstances? It was well known to every officer in the service, that about the settling day, there was nearly always a great increase in the number of offences; indeed, it was not extraordinary to have fifty or sixty men offending at once. Now, could he place each of these men in solitary confinement? And if he could, what would be its effect? Why that he would be compelled to punish those who had not offended, by throwing upon their shoulders the duty of those who had. He must likewise object to the substitution of extra drills for corporal punishment. The drill was a necessary part of the discipline of a regiment, and he did not like the idea of bringing it into contempt with those who must be subjected to it, by making it an ignominious punishment. There was not, however, any of these objections to a punishment by court-martial; it hung over the head of every offender, and, as none of them knew on whom it might fall, it kept all in a state of salutary alarm. Allowing, however, that solitary confinement and extra drill might have the proposed effect in time of peace, what was to be done in time of war? Whilst an army was marching through an enemy's country, how was the straggler or the marauder to be consigned either to extra drill or solitary confinement? It had been argued a few nights ago, that the disorganised state of our army during the retreat to Corunna showed the inefficacy of the severity of our punishments. But, to this argument he begged leave to reply, by stating, that our army was at that time disorganised, not so much from want of discipline, as from the absolute state of exhaustion to which it was reduced, by the almost incredible fatigues and privations it had undergone. As he had upon that occasion brought up the rear, he might be permitted to claim some credit with the House, when he stated, that many of our brave fellows did not receive any provisions after leaving Astorga. Hunger, it was said would break through stone walls; and it could not surprise any reflecting person, that many of our poor stragglers did upon that occasion take by force those provisions which they could not get by any other means. The French army, however, whose high discipline had been so much extolled on a former evening, in their retreat through the south of France, a country which abounded in provisions, and from which we had drawn plentiful supplies after they had left it—the French army, he repeated, in that retreat, not conducted in a hurry—had committed so many atrocities on the property and persons of the inhabitants, that they literally welcomed the British soldiers as so many liberators. Indeed, French writers on the subject had recently admitted, that the perfect discipline which our army then observed was worth to it as much as 10,000 men. The gallant officer then proceeded to observe, that at present he thought that commanding officers might preserve the discipline of their regiments without flogging; because, in general, they did not consist of more than 250 men, who were, for the most part, selected for their good character, whose places could easily be filled up, and to whom it would be a heavy punishment to receive their discharge. But what would be the case, when regiments consisted of 1,400 or 1,500 men? or when, as in the last war, so high a bounty was offered, that it was no unusual thing for men to desert from one regiment, and enlist in another, for the mere sake of pocketing it? He would, with the permission of the House, mention an instance which had come under his own observation. One morning, some men dressed in smock frocks came into the barrack-yard to be enlisted. He thought they appeared rather suspicious. He asked them whether they had ever been in the army; they said no. It was no time to refuse men, and accordingly they were enlisted. However, they only got part of their bounty, and he gave directions that they should be strictly watched, and he found out that within six weeks they had received their bounty from another regiment, and had come down to them on furlough. Now, he should wish to know, what punishment was to be inflicted on men of that description, if we did away with flogging? There was one custom which he thought it would be very desirable to discontinue. It was the usage to send soldiers who had conducted themselves improperly at home, out to what were called the condemned regiments such as the 60th; and it frequently occurred that, if they were good soldiers, they speedily obtained promotion, by being made non-commissioned officers. The consequence was, that they wrote home to their friends, declaring that they were never so happy in their lives before; and this operated as a bounty on misconduct. He thought, therefore that no soldier sent abroad under such circumstances should be so promoted for three years. To conclude. If, by any means hon. gentlemen could instil into our soldiery an idea, not only that they were themselves disgraced by being flogged, but that a regiment was also disgraced by having a man flogged in it, no doubt it would be productive of great advantage to the army; but, until such a feeling was generated among them, he must contend for the necessity, much as he lamented it, of vesting in courts martial the power of corporal punishment. Entertaining such opinions, he could not give his consent to the proposition which had been submitted to the House by the hon. member for Aberdeen.

Sir *R. Fergusson*, although he agreed in much of what had just fallen from his hon. and gallant friend, yet differed from him in some points, and should certainly vote for the amendment. He was persuaded that the proposed experiment could never be made at a properer time than the present. His hon. and gallant friend had told the House he had done the utmost he could to prevent corporal punishment in his own regiment. He was well persuaded of that, knowing, as he did, his hon. and gallant friend's character. There was also, he was most ready to allow, a great change generally on this subject. When he (sir R. F.) first commanded a regiment, it was conceived requisite to punish every venial offence by flogging, and he was sorry to say, that he had too frequently consented to the infliction. But latterly he saw the folly of the thing, and had tried as much as he could to do it away; and, since that period, he had seen several regiments highly disciplined, in which corporal punishment was wholly unknown. As the clause was restricted to our troops at home; and as the vote was an annual one, on those grounds and on those alone, he would support the clause. He knew there were difficulties attendant on the question. But really, in the present state of the army, it was much better, when a man committed any serious offence, to send him out of the regiment, it being so easy to supply his place. If his hon. friend's clause had extended to regiments on service abroad, he would have opposed it? For no man who had seen any thing of military service, could believe that it was practicable to preserve order on a line of march, without a power of inflicting summary punishment. In what other way could marauders and felons be kept down under such circumstances? He sincerely believed, that when an army was on foreign service, the fear of the summary punishment was necessary for its security. But his hon. friend's proposition was only for an experiment at home and he should therefore vote for it.

Lord *Palmerston* observed, that his hon. and gallant friend near him (sir H. Vivian) had so ably stated the merits of the question that it remained for him only to add a very few words. In fact, the last part of what had just fallen from the hon. general opposite, almost exceeded the principle for which he (lord P.) contended. The only difference between them being as to the extent. The hon. general considered the power of inflicting the punishment applicable to foreign service. He (lord P.) thought it as applicable to home service. It was allowed on all hands that the punishment was not abused: that the practice of inflicting corporal punishment was much less frequent than formerly; and that it was in consequence of the efforts of the commander-in-chief that it had been so diminished. The proposition of the hon. member for Aberdeen went to take away a power, which he (lord P.) contended was absolutely necessary. It went to abolish it too, not in remote stations, where the power of inflicting corporal punishment might be more liable to abuse, but to abolish it at home, where its abuse must of necessity be less, subject as it was to so much more immediate and operative a check.

The House then divided—For the Clause 47: Against it 127: Majority 80.

List of the Minority.

Allen, J. H.
Althorp, visc.
Baring, Alex.
Barrett, S. M.
Bennet, hon. H. G.
Birch, J.
Bond. J.
Bridges, sir. J.
Colborne N. W. R.
Denison, W. J.
Duncannon, visc.
Fergusson, sir R.
Grenfell, P.
Gurney, H.
Hutchinson, hon.C. H.
James, W.
Kennedy, T. F.
Lamb, hon. G.
Lennard, T. B.
Lloyd, S. J.
Lushington, S.
Leader, W,
Maberly, J.
Maberly, W. L.
Martin, J.
Monck, J. B.
Newport, sir J.
Nugent, lord
Parnell, sir H.
Phillips, G.
Philips, G. H.
Rice, T. S.
Ridley, sir M. W.
Robarts, A.
Robarts, G.
Robinson, sir G.
Smith, J.
Smith, R.
Stanley, lord
Sykes, D.
Tierney, rt. hon. G.
Warre, J. A.
Western, C. C.
Williams, W.
Wood, M.
Wrottesley, sir J.

TELLERS.
Hume, J.
Hobhouse, J. C.

Mr. *Hume* next adverted to the manner in which the purchase of commissions was at present effected, contrary to the regulation of the commander-in-chief, by which a certain sum only was allowed to be given for them. He believed many gentlemen were not aware of the declaration which officers made when they purchased promotion. That declaration was as follows "I do declare and certify, on the word and honour of an officer and a gentleman, that I did not allow in any way or manner, more than the sum of——, as the fair value of the said commission." And underneath were the following words —"I hereby also declare, that I have made no clandestine bargain with respect to the said commission." Now, notwithstanding this declaration, there was scarcely one case in ten, in which officers received their commissions at the regulation price, though they thus certified that fact. The commander of the forces and the secretary at war could not be ignorant of what was done, and ought, therefore, to cancel such a useless declaration. Year after year, the jobbing and traffic in commissions was carried on. He believed there was not an officer who did not consider this to be a regulation which ought immediately to be discontinued. With a view to the attainment of this object, he would move for the introduction of a clause stating, "That officers be not required to make a certificate, that they have purchased their commissions at the regulation price." The situation of officers, in consequence of the existence of the present declaration, was exceedingly unpleasant. They were obliged to certify on their word, that which, if they were placed in a jury-box, they would be compelled on oath to deny. He therefore hoped that a respect for the honour of the army would induce the House to approve of this clause.

Sir *H. Hardinge* admitted, that under the present order, officers were placed in a most unpleasant situation. Fully persuaded of this, he had made it his duty to inquire into the matter, and he found it was under consideration in the proper quarter, to recall this very objectionable declaration or certificate [hear]. Gentlemen should, however, recollect, that this certificate was introduced to remedy a great evil; namely, the constant traffic in commissions, by which the officers of the army had been most seriously injured. The duke of York was anxious, by the regulation relative to the price of commissions, to preserve and secure the interests of the less wealthy officers. Under that regulation, it was impossible for a junior officer however rich, to step over the head of a senior officer, so long as the latter had the means of putting down the stipulated price for his commission, which was a point of very great importance. It certainly was fitting, in altering the system, to take care that the door should not be again opened to that extensive jobbing which prevailed before the certificate was introduced. He knew, however, that that form was viewed with hostile feelings by the army; and he had learned from a source on which he could implicitly rely, that measures were in contemplation for recalling this objectionable certificate. Under these circumstances, he conceived it would be wrong to agree to the clause proposed by the hon. gentleman, and he should therefore vote against it.

Colonel *Davies* said, he was certainly desirous that this declaration should be done away with without the interference of the House, and he was glad to hear his hon. and gallant friend say, that it was to be so. But he wished to hear it also from the noble Secretary at war; for unless he heard it from him he must vote for his hon. friend's motion. His hon. and gallant friend said, that the declaration was intended to prevent jobbing. But, did not jobbing exist at present? Could a young man in the army, who desired promotion, obtain it, except after endless years of delay, unless he paid double the regulation price? Every person who had a friend in any of the cavalry or hussar, or what were called crack regiments, knew the enormous sums that were given for promotion.

Lord *Palmerston* observed, that this was a question full of difficulty. As to the clause proposed by the hon. member for Aberdeen, he really was at a loss to understand it as the hon. gentleman read it. The Mutiny bill had been described as a mass of unintelligible clauses; if so, he was sure its character would not be improved, if the clause proposed by the hon. member were added to it. He repeated, however, that the subject was full of difficulties. The practice itself of selling commissions was one which, fairly estimating all its advantages and disadvantages it decidedly appeared to be expedient to continue. It brought into the army many persons connected with the higher classes of society, and diffused a spirit that was very advantageous. If, however, commissions were allowed to be sold, it was obviously necessary to limit the price that was to be paid for them; for if not, and if every officer were permitted to bid according to his means and to his desire of promotion, abuses would take place beyond all calculation. An old and a poor officer would never get forward. Junior officers would overstep the most meritorious seniors. How, then, did the regulation in question apply? First, he would take the case of a commission sold by an officer in one regiment to an officer in another. There, there could be no difficulty—no danger of an infraction of the regulation. For the officer who wished to sell, applied to the commander-in-chief, and never came in contact with the officer who wished to purchase. He would next take the case of a regimental succession. Suppose it a majority that was to be sold. The senior captain had the pre-emption, if his means enabled him to purchase. Now, what temptation had he to give more than the regulation price? The only case where it was probable that a larger sum than the regulation price was given, was where an individual, not disposed to sell, was tempted by the subscription of persons who wished to obtain a step in promotion, and who knew that there were strong claims which rendered it infinitely probable that the commission would be given in the corps. In exchange to half-pay, the danger of infraction of the regulation was less than in any other case; for the officer never came in contact with the other party. He applied to the commander-in-chief, and the commander-in-chief took from the list in his possession some one individual to place in the situation of the officer who retired. It was, therefore, only in the case which he had described that it was likely an officer would be tempted to do that which was manifestly improper. As his hon. and gallant friend had stated, the expediency of recalling this declaration had been under consideration. The existing inconveniences had for some time been felt; and an attempt had been made to remedy them by increasing the price of commissions. Still, however, in a case in which a number of officers were exposed to a temptation to which they ought not to be subject, it was considered desirable that the declaration should be recalled. Of course when he said that this recall was under consideration, he should not be understood to describe any specific measure which it was intended to adopt. The very fact of the declaration being under consideration implied that no specific measure had been determined on. He decidedly objected to the hon. gentleman's clause, however; first, because as far as he could collect the import of it, it did not appear calculated to effect the hon. gentleman's own object; and, secondly, because that object was under the consideration of those to whom the consideration of such questions properly belonged.

Mr. *Grey Bennet* said, he had some years ago, introduced this subject to the notice of parliament. It was one which nearly concerned the honour of the army; for nothing could be more galling to gentlemen than to be called on to put their names to a paper of this kind, well knowing, as they did, that the regulation to which it referred had not been obeyed Under these circumstances, he trusted that the commander-in-chief and the noble lord would turn their attention to the subject, and get rid of this declaration. It had been said that this traffic was not carried on,—just in the same way as they were told at times that a seat was never sold in that House, and that a voter was never bribed though every body out of the House knew that seats were sold; and there were not a few who could point out not only the seats that had been thus obtained, but the sums paid for them.

Colonel *Dawkins* said, that the necessity of subscribing the certificate in question had long been a source of grief and shame to the army, and he was happy to hear that the commander-in-chief contemplated an alteration of system with respect to it. Under these circumstances he must oppose the clause of the hon. member for Aberdeen.

Sir *H. Vivian* was anxious that the certificate should be done away with, but could not support the proposed clause, as it was not the proper mode of accomplishing the object.

Mr. *Hume* said, that after the reprobation which the system had met with from both sides of the House, he would not press his motion, but would beg leave to withdraw the clause.

The clause was withdrawn, and the bill was passed.

IRISH PROTESTANT CHARTER-SCHOOLS.] The House having resolved itself into a committee on the Irish miscellaneous Estimates, Mr. Goulburn moved, "That 21,615*l.* be granted to defray the expense of the Protestant Charter Schools of Ireland, for the year 1814." He briefly stated the reasons which rendered it necessary to call for a larger vote for this purpose, in the present, than in the former year. It was occasioned by the desire of the government to relieve the Foundling-hospital from the care and maintenance of a considerable number of children who had now arrived at the age of 13 or 14, and whom it was proposed to spread over the different charter-schools.

Mr. *Hume* said, that the Protestant charter-schools were a mere charity, and ought to be supported by the funds which had been left for that purpose. If parliament were called upon to grant money, it should be for general education, and not for the service of a particular class. Last year the right hon. secretary pledged his word that the sum demanded this year would be less than it was then: but instead of that, there was an increase of 4,615*l.* He should therefore, bearing in mind the reduction promised by the right hon. secretary last year, move as an amendment, that 14,000*l.* be substituted for 21,615*l.*

Sir *J. Newport* maintained, that all the grants respecting education in Ireland ought to be postponed until the House had declared the principle on which they would proceed with respect to them. The doling out separate sums in this manner destroyed the benefit which it was intended to confer. He wished the subject to be treated as a whole, and to be submitted to a committee above stairs, for the purpose of ascertaining in what way the bounty of parliament could be rendered most available. He would move as an amendment, that the present resolution be postponed.

Mr. *Goulburn* was utterly at a loss to conceive why, because it might be desirable to appoint a committee to inquire into the present state of education in Ireland, the charitable institutions for that object should suddenly be deprived of their usual support. With respect to charter-schools, he admitted that the establishments were more in the light of charitable institutions than of places where systems of education were laid down. As a charitable system he was prepared to maintain it.

Sir *M. W. Ridley* said, they were now going to vote away a sum of money, and were told, that an inquiry into the subject of education in Ireland was immediately intended; was it then, under these circumstances, too much to ask a delay of ten days or a fortnight?

Mr. *C. Grant* did not think that the inquiry as to the state of education in Ireland could possibly end during the session. With respect to charter-schools in Ireland, he condemned the principle on which they were founded. He regretted that the estimate under the consideration of the House had been increased in amount this year. He must object to the institution of charter-schools, because he was convinced that the public money might be laid out to more advantage. There were powerful objections to them, both of a local and general nature. They were opposed to the feelings of the people of Ireland, and to their prejudices. The grant, however, could not be suddenly withdrawn, and for the present he would not oppose it.

Lord *Althorp* said, that what had fallen from the right hon. gentleman carried with it great weight. If it was clearly to be understood, that an inquiry into the system of education would take place, he would not object to the vote for the present year.

Mr. *Goulburn* said, that with respect to a committee, he could not give any pledge or opinion one way or the other.

Mr. *Spring Rice* said, he could not but discover an alteration in the tone of the right hon. gentleman with respect to education in Ireland, and rather feared that the right hon. gentleman would oppose the motion for a committee. The House had now, for the first time during the last ten years, been called upon to give its approbation to the principle of charter-schools in Ireland. In former years, the failure of those establishments was admitted, and promises were made, that the grants would be reduced. But now the right hon. gentleman proposed to augment them. The right hon. gentleman had endeavoured to show a connexion between charter-schools and the Foundling-hospital. But that connection would make him more disposed to oppose the grant. He objected to charter-schools, because they were founded on an exclusive principle. He objected to that principle as much as he did to the proposition brought forward by the Catholic clergy the other night. He did not wish to see an exclusive system of education, either by the Catholics or by the Protestants, at the public expense; and, in his opinion, the House could only justify the refusal to the Catholics by discountenancing an exclusive system for the Protestants. With respect to the Foundling-hospital, that establishment was formerly supported by a tax on the citizens of Dublin. They complained of it, and the tax was removed; but then came down an augmented vote for that establishment—an establishment which had greatly added to the vice, the misery, and the sufferings of the people of Ireland. The principle had the same effect invariably, wherever it was applied; and it was a curious fact, that in Paris, since the institution of a foundling hospital in that city, the exposures of children had increased from the ratio of one in ten, to the ratio of one in three.

Mr. *Hume* said, that the Irish government had formerly pledged itself to reduce the grant. It had accordingly been partially reduced: but now it was proposed, notwithstanding the pledge of the government, to increase it by a sum of 4,000*l*. This was a positive breach of good faith on the part of the Irish governments.

The House divided: For the Amendment 33: For the original Resolution 74.

List of the Minority.

Alhorp, visc.
Barrett, S. M.
Bennet, hon. H. G.
Bernal, R.
Davies, T. H.
Denison, E.
Duncannon, visc.
Fergusson, sir R.
Gordon, R.
Grosvenor, gen.
Guise, sir B. W.
Hutchinson, hon. C. H.
Hume, J.
Hobhouse, J. C.
James, W.
Kennedy, T. F.
Leader, W.
Lennard, T. B.
Lamb, hon. G.
Macdonald, J.
Martin, J.
Monck, J. B.
Newport, sir J.
Parnell sir H.
Phillips, G.
Rickford, W.
Ridley, sir M. W.
Robarts, A. W.
Robarts, G.
Robinson, sir G.
Stanley, lord
Tierney, right hon. G.
Tremayne, J. H.
Western, C. C.
Whitbread, S. C.
Williams, J.
Wrottesley, sir J.

TELLER.

Rice, T. S.

HOUSE OF LORDS.

Tuesday, March 16.

AMELIORATION OF THE CONDITION OF THE SLAVE POPULATION IN THE WEST INDIES.] After a number of petitions praying for the Abolition of Slavery, had been presented to the House,

Earl *Bathurst* rose to lay before their lordships certain papers explanatory of the measures for the Amelioration of the Condition of the West-India Negroes, referred to in his Majesty's Speech at the commencement of the present session, and which had been adopted in consequence of the resolutions agreed to by the House of Commons in May last. Those resolutions he would, with the leave of their lordships, now read.

"Resolved, *nem. con.* "That it is expedient to adopt effectual and decisive measures for ameliorating the condition of the slave population in his majesty's colonies:

"That, through a determined and persevering, but at the same time judicious and temperate enforcement of such measures, this House looks forward to a progressive improvement in the slave population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of his majesty's subjects:

"That this House is anxious for the accomplishment of this purpose at the earliest period that shall be compatible with the well-being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property."

It was his duty now to state to their lordships the measures which had been adopted by his majesty's government in pursuance of those resolutions. The House of Commons had passed the resolutions on the 15th of May, and instructions founded on them were conveyed to all the governors of the West-India colonies in circular despatches, dated the 28th of May and the 9th of July. The measures which his majesty's government had thought it proper to recommend, as best calculated to accomplish the object of ameliorating the condition of the slaves which the House of Commons had in view, might be reduced to the following heads; namely, the making provision for religious instruction; the consequent abolition of Sunday markets; the abolition of the practice of flogging female slaves; the regulation of the punishment of male slaves; the prevention of the separation of husband and wife, and infant children from the mother, on the sale of slaves; the giving security to the property of slaves, by establishing banks of deposit; the establishment of facilities for the manumission of slaves; and, finally, the allowing the evidence of slaves to be received, under certain regulations, in courts of justice.

These were the measures which were recommended in the instructions sent out at the time, and which his majesty's government still considered the most proper to be adopted. If any of their lordships should think that ministers had gone too far, and that, however right in theory, such measures were likely to prove mischievous in practice, to such of their lordships he would state, that these propositions had been regarded as satisfactory by those who were most interested in the question. In the course of the investigation which had taken place, it was found, that the great body of the West-India proprietors in this country concurred in the justice of the principles laid down. With respect to the last only; namely, that for receiving the evidence of slaves—had there been any difference of opinion. Some thought that this measure could only be adopted under certain regulations; but, whatever difference of opinion existed, he had not yet met with a man who did not admit, that the proposition was highly worthy of consideration, and that the carrying it into effect, if practicable was very desirable. Those, on the other hand, who thought that his majesty's government had not gone far enough, he would beg to remind of the difficulties which surrounded the measure, and the many considerations which were involved in its execution.

Having stated the purport and object of the two circulars which he had sent out to the West Indies, he should now advert to the general conduct of the colonies after those despatches had been received. With respect to the islands, the first despatch arrived while some of their assemblies were sitting; but that of the 9th of July was not received until after the session, and was brought under the consideration of the assemblies in November. And here he must observe, that the manner in which the despatches had been received in the different islands, was particularly worthy of their lordships' consideration. This would be seen by the papers on the table, from which it would appear, that if not all, the great majority of the propositions he had read were thought fit to be adopted. This was more particularly the case in Grenada, St. Vincent's, and St. Christopher's; but in Dominica, Tobago, Barbadoes, and Jamaica, a spirit so favourable did not prevail. In general, however, the assemblies had been disposed to carry into effect the greater part of the propositions, had not events and circumstances occurred to delay that intention. The assembly of Barbadoes met in July, and appeared inclined to adopt most of the propositions; but that body had separated under the impression, that if they agreed to all the measures recommended by his majesty's government, they would be pledging themselves to a system connected with a plan for the complete manumission of the negroes. And here he must say, that one of the great difficulties which his majesty's ministers had had to contend with, was the unfortunate mixing of these two questions.

With respect to St. Vincent's, the answer returned by the assembly of that island amounted to this—that they had amended the act which they passed two years before for the amelioration of the condition of the slaves. They were of opinion, that all the measures recommended in the two despatches were to be found in the bill which they had already passed. If, however, their lordships would take the trouble to compare the bill with the two letters he had sent out, he was convinced they would find, that some of the measures which his Majesty's government had thought it adviseable to recommend had been omitted, and that others had been very partially enforced. He must admit, however, that what had been done by the assembly of St. Vincent's was very much to their credit; and, in looking at this subject, their lordships would not fail to recollect the period at which this amelioration had taken place in St. Vincent's—they would perceive, that it had been done spontaneously by the assembly of St. Vincent's two years ago, when they acted under no appearance of compulsion in consequence of any resolutions adopted by the British legislature, or of any recommendations from his Majesty's government. So favourable a disposition on the part of this assembly afforded just reason to expect, that when a more temperate view should be taken of the whole propositions, this and the other islands would be disposed to adopt measures which, upon due consideration, would be found to be advantageous to their own interests, as well as agreeable to the dictates of humanity.

It remained for him now to advert to what had passed in Jamaica; but as that was matter of public notoriety, it would not be necessary for him to detain their lordships long on this part of the subject. Their lordships were aware of the very intemperate manner in which the propositions of his Majesty's government had been received in that island. He much regretted that Jamaica, which had heretofore manifested a sincere desire to ameliorate the condition of the slave population, should on this occasion have set so opposite an example. He was however persuaded that when the assembly of that island should come again to the consideration of this subject, they would view it in a more temperate manner; and that they would not persist in the resolutions they had adopted, but would proceed to make further provision for ameliorating the condition of the slaves. He did not, however, think he should act justly, if he did not state, that much irritation had been produced by the reproaches that had been cast on the assembly and people of Jamaica. Some apology was to be made for them, in consequence of the manner in which they had been attacked by various publications in this country. They were accused of the greatest cruelty, of a disposition to retain their negroes in a state of misery, and of a determination to resist all plans of amelioration. In addition to these unjust charges, they were accused of treating their slaves worse than the Americans did theirs. Nothing could be more unfounded than this last accusation; for nothing could redound more to the credit of our West-India planters, than a comparison of the treatment given to their slaves with that to which those of America were subject. The American slaves were liable to the severest punishments, for acts which would either be considered as no offence in our colonies, or would be corrected by very slight penalties. To convince their lordships of this, he need only refer to an act lately passed at New Orleans. By this severe law it was provided, that if any slave should be found absent after sun-set he should be punished by flogging; that if any slave be seen in the streets with a cane or stick in his hand, he should be flogged; nay, it was even provided, that if any slave should be caught looking disrespectfully at a white person, he should be flogged. Let their lordships compare this with the laws relative to slaves, and their practical treatment, in Dominica, St. Vincent's, Jamaica, or any of our colonies, and then say, whether any such inhumanity disgraced the British possessions.

It had, indeed, been said by some, that though the laws of the colonies were good they were not fairly executed. This he also must regard as untrue. He believed the laws were in general fairly executed; and he was satisfied, that within a certain number of years, a great improvement had taken place in the condition of slaves in the West-India colonies, as well in consequence of the humane disposition of the planters, as of the laws which had been enacted. He believed that considerable improvements had been made in the articles of food and clothing, and that instances of great indulgence and kindness on the part of the masters were very common. He also believed, that great improvements had been made with respect to the hospitals for the reception of sick and infirm negroes. It had been said, why were there not established in those colonies which had legislative assemblies, laws similar to those of this country? But, if it was made a subject of complaint that they neglected to execute their own laws, how was it to be expected that they would act fairly on ours? He did not mean to say that this country could exercise no legislative authority over the colonies, but that was certainly a question of great difficulty and delicacy. It was, however, competent to his Majesty's government, with the sanction of parliament, to regulate their trade, to take away the drawbacks which were allowed on exportations to them, and to increase the duties on their productions. These were the kind of measures which, if policy ever required their enforcement, might be preferable to any exercise of the right of internal regulation.

Having said thus much in reference to the islands which possessed legislative assemblies of their own, he would next direct their lordships attention to the conquered colonies which were more immediately under the control and direction of his Majesty in council. It had been determined, that the same propositions should be sent to both the old and the new colonies. He had accordingly forwarded the instructions to them: and, in justice to these colonies, he must say, that they had done credit to themselves by manifesting a disposition to adopt whatever measures appeared to them calculated to promote the religious and moral improvement of their slave population. It had not, however, been thought fit to establish at once all the measures recommended by government, because it was considered, that if the old colonies hesitated to adopt those measures, a disagreeable contrast would be presented between them. His Majesty's government did not wish to expose the legislatures of those islands to the reproach which, under such a state of things, they would be liable to from their own population. If a different course was now about to be entered upon, his Majesty's government had done every thing in their power to avoid it. Some of the new colonies had no legislative bodies; and in some of them convulsions had unfortunately taken place after the communication of the propositions.

It had therefore been thought advisable to make the first experiment of the enforcement of the measures which his majesty's government recommended in colonies to which the control of the privy council immediately extended, and in which the propositions had experienced a favourable reception. In Trinidad a disposition had been shown to meliorate the state of the slaves. In the answer returned by the counsel of that island to the despatch sent out from this country, they stated that many of the improvements suggested were already in force, and they had passed resolutions for the further amelioration of the negroes. Upon further communication with that island, an order in council had been framed here on the subject of the intended ameliorations. This order was on Wednesday last submitted to his Majesty, and had been sanctioned by his approbation. Their lordships would find a copy of the draught of the order in council among the papers which he had laid on the table.

He was unwilling to take up much of their lordships time, and should merely state the principal objects which his Majesty's Government proposed to effect by this measure. The Procurador Syndic of the Cabildo of the town of Port of Spain is confirmed in his ancient office of protector and guardian of slaves, with new honours and under new regulations. He is to keep an office for records. The commandants of the several quarters of the island are declared assistant protectors and guardians of slaves? and notice of all suits and actions against slaves must be given to the guardian, who must attend the trial of the cause.—As provision is to be made for the religious instruction of the slaves, all markets are required to be discontinued on Sunday, and the employment of any slave in labour between sun-set on Saturday and sun-rise on Monday is strictly prohibited; so that Sunday will be really a day of rest and religious instruction.—The punishment by the whip is not only abolished, but it is made unlawful to carry it as an emblem of authority. With regard to this point, there might be some difference of opinion. He was not one of those who were led away with the idea that the mere carrying the whip as an emblem of authority in the hands of one whom the slaves were disposed otherwise to respect, could be attended with mischievous consequences; but he understood it was always intrusted to a negroe, and that circumstance rendered it very offensive; and, unless some white person were set to watch over the slave who carried this instrument, it was much to be feared that it would often be very improperly used. And here let him observe, that the introduction of this prohibition was not to be regarded as casting any imputation on the old laws of the colonies. He was far from meaning to state that the present treatment of the slaves was such as particularly called for interference. The measure was not proposed in order to remove general evils, but to prevent atrocities of rare occurrence. As well might it be said, that this country was remarkable for the frequency of crimes, since it had been found necessary to pass laws for the punishment of robbery and murder. It was merely to guard against violations of humanity which possibly might occur, that this measure was proposed.

Among all the practices which had prevailed in the colonies, there was, however, no one which had given more offence to the feelings, than that of the punishment of females by the lash. He was aware it might be contended, that the mere knowledge on the part of slaves that they were liable to this punishment would serve as a sufficient restraint, but that if it were once known that they were no longer liable to be flogged, it would be extremely difficult to keep them in order. This subject had already been brought under the consideration of the court of policy in Demerara, and it had, after due consideration, been thought fit to decree the abolition of the practice of flogging females in Trinidad. Pains, however, would be taken to prevent the repeal of the practice from being, for some time, generally known among the slaves. In cases formerly punished by flogging, it was proposed to substitute imprisonment, or confinement in the stocks, for females. The governor was, besides, authorized to substitute any other punishment which might not be inconsistent with the general spirit of the regulations.

The next regulation to which he should call their lordships' attention was, that which related to the punishment of the male part of the slave population. The order provided, that no slave should be punished for any offence, until twenty-four hours after its commission should have elapsed. It was also provided, that in no instance should more than twenty-five lashes be given in one day: and it was still farther provided, that no second punishment should take place, until the person of the slave was free from any lacerations which might have been occasioned by the first flogging. At the same time it was expressly directed, that no punishment whatever should take place, unless one person of free condition be present, in addition to him by whom, or by whose authority, the punishment may be inflicted. There was another regulation which he thought it right to point out. It was ordered, that a record-book should be kept on every plantation or estate throughout the island. In this book the owner or manager was required to enter the punishments inflicted on slaves. The number of lashes inflicted, on any occasion of flogging, were required to be recorded, if the stripes exceeded three. The reasons for the punishment, and the names of the persons attending it, must be recorded: and copies of these records are required to be returned, at a fixed period, to the commandant of the quarter in which the estate or plantation where the infliction took place may be situated.

He had stated the three provisions which were intended for the personal protection of the slaves. He now came to those enactments which tended to their comfort, and conduced to their improvement. The first of these regarded the encouragement of marriages among them. According to the provisions of the act, it would be arranged that if the two slaves obtained the consent of their master, and produced this consent to the guardian and protector, he would give directions, that the marriage act should be solemnized, according to the rites of the Church of England, the Roman Catholic ritual, or the Presbyterian forms, as should be most agreeable to the parties. The marriage thus authorized and solemnized, was to be recorded in a book or register kept by the guardian. Should the master of the slaves refuse his consent, they might inform the guardian of this refusal, and apply to him for instruction how to proceed. On this application the guardian was authorised to call the master or overseer before him, to hear his motive for resisting the proposed marriage; and if that motive appeared unreasonable, or if his conduct was evidently arbitrary, he might notwithstanding such refusal, authorize the union of the parties. As a consequence of this provision for promoting the marriage union, an enactment was naturally called for, to prevent the separation of those who had been united in marriage. It was therefore proposed, that in the sale or transfer of married slaves they should not be separated, but sold in one lot, and transferred to one master. It would likewise be enacted, that their children, if they had any from the marriage, should go along with their parents.

The next provision for promoting the comfort of the slaves, and raising their character was, to secure to them their property by a positive law, and enable them to dispose of it by bequest. If their lordships looked to the actual state of things, and took it into consideration, not the enactments of law, but the existing practice, they might think such a provision unnecessary. The slave, by the consent of his master, could at present possess and bequeath property, and therefore no real hardship was experienced as things now stood; but it was thought advisable to give him the security of law, to enable him to protect himself against any arbitrary interference with his rights, and appear in the courts to defend them, if attempted to be invaded. By this enactment they could sue in their own names—could make an advantageous use of their property, by laying out their funds at interest—and could dispose of it, with its accumulations, by bequest. The money of any slave being deposited in a bank, and duly recorded, his disposal of it at all times would be valid.

But, it was not only necessary to secure personal protection to the slave, and to enable him to acquire and dispose of property in a state of servitude—it was necessary also to provide, in certain circumstances, for his leaving that state, and attaining the rights and privileges of a free man. The next improvement intended, therefore, in our colonial system, was to provide for facilities for the manumission of slaves. It was to be enacted, that the price of the registration of manumitted slaves should be paid, not by the slave, but by the state. The slave was to have a right to purchase not only his own freedom, but that of his wife; he was likewise to be granted the privilege of purchasing the freedom of his child, his sister, or his brother. If any difficulty arose respecting the price, it was to be referred to the guardian or protector, who would arbitrate between the parties. A difficulty of another kind arose in cases where slaves existed on estates entailed or mortgaged, and where, of course, the possessor had not the power to agree to their claims for purchasing their freedom. Into the mode of settling this part of the question, he would not trouble their lordships, but refer them to the detailed provisions which he had laid on the table. It would there be seen, that the interests of both parties were secured, with a due regard to the rights of property.

He came now to the last of the provisions to which he had alluded; namely, the admissibility of the testimony of slaves in a court of justice, and on oath. The order provided, that a slave should be received as a witness, and be allowed to give his evidence on oath, provided he could procure a certificate from the minister of the established church, or from any other clergyman whose ministrations he attended to, that, upon examination, that minister or clergyman was satisfied that the slave was so far instructed in religious knowledge as to be sensible of the obligation of an oath. A register was to be kept by the guardian of the slaves, in which this qualification would be recorded. The advantage resulting from this enactment would not only further the due administration of justice in cases where the testimony of slaves would be useful, but would have a tendency to raise the character of the slave whose name was thus recorded. It would inspire him with a laudable pride and self-respect, to see religious qualifications thus certified, to know that the confidence in his testimony was thus established, and to observe himself placed on a level, in point of credit, with his christian superiors, whom he was taught to respect. It was proposed, that the testimony of slaves should be received in all civil cases, except where the interest of their masters was concerned. This exception was made for the obvious reason, that if their testimony was to be received against their masters, it must likewise, in other cases, be received in his favour; and it was thought dangerous to admit it in the latter instances, while the master had such an influence over their minds. With respect to all criminal cases, the testimony of slaves would be received, except where the life of a white person was at stake.

Such were some of the changes proposed in our colonial law, for the protection and advantage of the slave population. His majesty's government did not think themselves justified in going further at present. They must see their way before they proceeded to any further changes. It could not fail to strike those acquainted with the present state of the slave population of the West Indies, that some of the enactments to which he had alluded, tended rather to curtail than to extend the present privileges. The testimony of slaves was already in some cases admitted. The regulations on which it was in future to be admitted, conferred upon it an authority which it did not at present possess, and made it useful to the ends of justice in a higher degree than it could at present be considered. He had now detailed, probably at too great length, the intentions of his majesty's government. Their lordships would see how the pledge given to the House of Commons last session had been redeemed. He had only one other topic to advert to; namely, the establishments for the religious instruction of the slaves in the West Indies. These establishments, he need not remind their lordships, were lamentably deficient, both in instruction and discipline. In making them, no reference was had to the wants of the slave population, nor were even the free coloured inhabitants taken into the account. A variety of societies had been established, which had sent up missionaries to supply this defect. Some of these societies belonged to the Church of England, others to different religious sects. Three of them consisted of members of the establishment; namely, the Church Missionary society, the society for the Propagation of Christian knowledge, and a society for the Conversion of the Negroes. Besides these bodies, there were others which had shewn great zeal in this field, the chief of which were the Moravian and Wesleyan societies. But it was not thought fit that the religious instruction of so large a portion of the empire should be left to chance, or to the exertions of societies independent of the establishment. Their lordships, he thought, would agree with him, that an increase of the ecclesiastical establishment was necessary, and that the superintendence of the church in that quarter could only be duly secured by resident prelates. It was a general understanding, that the bishop of London exercised authority over the church in Jamaica. The fact was not so. There was no want of zeal on the part of that respectable prelate; but he could not honestly and conscientiously exercise the necessary authority in the case in question. It had therefore been resolved upon by government, to recommend to parliament to provide for two bishops, to be sent to the West Indies, one to reside in Jamaica, and one in the Leeward Islands. For the prelate who resided at Jamaica could no more superintend the establishment in the Leeward Islands, than if he resided in England. It was proposed, that to the See of Jamaica there should be appointed one archdeacon, and to that of the Leeward Islands two; and that with these higher dignitaries of the church there should go out a body of clergy to supply the cures existing, or to be established, in the islands. The slave population, in addition to this part of the establishment, would require other instructors. They were ignorant as children, and must be taught like children. The kind of teaching which they would require could not be given them by the parish clergy, who could scarcely be expected to be able at first to adapt their instructions to the state of their minds. It was therefore proposed to place under the direction of the clergy teachers for the slaves, who would attend more constantly to their improvement in the elementary knowledge of religion. A hope might be entertained, that the proprietors and overseers would show less hostility to the religious instruction of their slaves, when the instruction was offered by the members of the establishment to which they themselves belonged; and what happened in other cases might be expected to happen in this; namely, that a community of worship would create a community of feeling, that kinder sympathy would be established between the master and the slave by meeting in the same temple for religious improvement; and that, by addressing their common prayers to the common Parent of all, the temporary inequalities of their condition would be forgotten, and they would view each other as brethren. But, while this appointment of clergymen of the establishment was to take place, there was no intention that the conscience of any one should be forced. God forbid that any attempt should be made to overturn the steadfastness of a faith already produced, or to shake the confidence of the slaves in the great truths of revealed religion, because some differences existed between the mode in which they viewed them, and that in which they were presented by our church!

A report had gone abroad, and an impression very generally existed among the slave population, that in recommending measures for the amelioration of their condition, his majesty intended the immediate abolition of slavery. It was even very generally thought, that the king had given orders that they should be made free, but that their masters, concealing his majesty's kind intentions and resisting his commands, still kept them in bondage. To put an end to such a delusion, it had been considered expedient, that a proclamation should be framed, and accordingly one had been prepared, which was very short, so as to be easily intelligible to the persons for whom it was intended. The proclamation stated, that whereas it had been represented to his majesty in council, that the slaves of some of the West-India islands erroneously believed, that orders had been issued by his majesty for their emancipation, and that acts of insubordination had been committed in consequence, he had therefore resolved, with the advice of his privy council, to make known that no such order had been issued, and that he would regard the slave population as unworthy of his protection, if they did not act with subordination and duty towards their masters. The governors and masters had it in command to communicate this proclamation to the slaves throughout the colonies.

The noble lord next proceeded to allude to the petitions which prayed for the abolition of slavery, and the arguments by which the abolitionists supported their recommendation. The right to the slave as property, or to the offspring of the slave, it had been said, had been recognized in no legislative act of this country. To show, however, how unfounded this statement was, he would only refer to the slave-registry act, in one of the clauses of which the principle was broadly stated. As an argument for the immediate abolition of slavery, it had been said, that by abolishing this degrading condition of man, we only made a transition from servile to free labour, and that the latter was most beneficial, as well as most honourable to the negro, and most secure for the planter. Now, by what facts was this position established, and where were instances to be found of a transition from servile to free labour, in circumstances similar to those of our West-India colonies? Ceylon had been appealed to, where the same kind of slaves existed, and had been manumitted; but, in that island they were the minority. The republic of Colombia was another example cited, to show the policy of speedily abolishing slavery. Manumissions, it was said, had there taken place to a great extent, and a fund was provided for the purchase of the freedom of slaves. But, among other things, their lordships should bear in mind, that in Colombia, where there was a population of 3,600,000 inhabitants, there were only 900,000 slaves. In the second place they should reflect, that that country had long been the scene of civil warfare, and that the slaves had fought in the armies of either party. As early as the year 1810, the royalists had enlisted slaves, with a condition that they should be made free; the other party adopted the same course to increase their power; and thus by community of danger the black population had excited more sympathy, and obtained more advantages, than the most ingenious theories or the most commanding eloquence could have procured for them. The case of St. Domingo was the next to which he alluded. The sugar exported from that island previous to the emancipation of the slaves was enormous; but since free labour had been established, he had reason to think that she did not grow sufficient for her own consumption; and this he inferred from a proclamation that had been issued by general Boyer prohibiting the importation of sugars. Then followed the cases of Guadaloupe and the northern states of America; in the latter of which the proportion of the slaves to the free population was only as one to thirty, so that the manumission of the slaves might be resorted to without any of those apprehensions which it was but reasonable to feel, in communities where they were more numerous and formidable. The evils of the system had been felt, even in cases where humanity or policy induced the manumission of Negroes. At Philadelphia and New York, in consequence of such effects, societies had been formed, having for their object to provide receptacles for the emancipated negroes, who were too often found to be burthens to the community. God forbid that he should ever risque the opinion, that Providence had created a class of men destined to perpetual slavery! The evils were the natural effects of the system itself. In free communities, where the great proportion of mankind were obliged to labour, the example of the parent operated as an impulse on the industry of the son. No such feeling, however, operated on the slave. He had no inducement to work, because he felt that all the return of his labour was solely for the benefit of his owner. The noble earl said, that he felt, in common with every man, the miseries and the evils of such a state of things;

but he was persuaded that they could only be remedied by progressive measures of amelioration, by religious instruction, and a mitigation of the evils of slavery. Such efforts to quicken the march of improvement, would only be impeded by loud and angry discussions on the subject; as they but too generally tended to create in the mind of the owner an extravagance of fright, and in the slave an insubordination, both which were in the end most pernicious to the security of the one, and to the improvement of the other. The noble earl concluded a most able speech with moving, that the papers which he had presented should be laid on the table.

Lord *Holland* said, he did not rise for the purpose of discussing any of the numerous topics which the noble earl had introduced into his speech, but he wished to learn from the noble earl, whether the order in council to which he had referred, and in which so many wise and judicious provisions had been incorporated, was intended to extend to all the ceded islands, or only to Trinidad? He had not clearly understood the noble earl on that point; but it appeared to him, that many of the provisions had reference to the Spanish law only. With respect to the provisions themselves, he had not any observation to make. Every observation that he could make would be in favour of them; and he could only regret that they had not been made many years ago. As to any former opinion he had offered with respect to any part of this question, he wished to be understood as not nailed down to any such view, in the absence of the necessary information; and, above all, he begged to be considered as reserving to himself the right of discussing hereafter the intended ecclesiastical establishment. As a friend of freedom, a friend to good government, as a member of that House, and as connected with the West-India islands, he most willingly bore his testimony to the very temperate, judicious, and enlightened statement which the noble earl had that night submitted to the consideration of the House.

Earl *Bathurst*, in answer to the question of the noble baron, stated, that instructions similar to those contained in the order, had been sent out to the colonies of Demerara and Berbice, and an order in council founded upon them was now in preparation. The order, with some slight alteration, adapted to the spirit of the French law, was also extended to St. Lucie.

HOUSE OF COMMONS.

Tuesday, March 16.

CONSOLIDATION OF THE CRIMINAL LAW OF ENGLAND.] Dr. *Lushington* said, that the subject which he was about to introduce to the consideration of the House, was one of the greatest importance, and at the same time of the greatest extent. If it were necessary for him at that moment to enter into the details of the plan which he meant to propose to the committee (if he should be so fortunate as to induce the House to grant one), undoubtedly it would be incumbent on him to offer a detailed explanation of his objects; but, as he understood that there would not be any opposition given to the motion with which he meant to conclude, and as he was sure the House must be extremely anxious to hear the statement of the right hon. secretary for foreign affairs, he should confine those observations which he felt it to be his duty to make, within a very narrow compass. He intended to propose, then, that a committee should be appointed for the purpose of considering the expediency of consolidating and amending the criminal law of England. On the necessity of such a measure, he apprehended it would scarcely be requisite for him to make any observations. The House must be aware that from the time of Magna Charta, down to the present hour, there had been a series of criminal statutes passed, just as occasion had rendered it necessary to provide for the punishment or prevention of any particular offence. As there had hitherto been no regular system for the reduction of those statutes into any order or methodical form, they had at present attained to a considerable bulk, and were in a state of the greatest possible confusion. There had not been, hitherto, any attempt made to remedy the inconveniences which arose out of the existing condition of our criminal laws. Those inconveniences he would not attempt, on this occasion, to detail. He should assume that the House was sensible of them; and all that it would be now necessary for him to satisfy it of would be, that a remedy for such inconveniences was practicable: but he would not proceed to state the grounds upon which he was prepared to contend for the practicability of that remedy, because he was certain that the House was not just now disposed to follow him into all the explanations into which it would be expedient to enter. It was but right, however, that hon. gentlemen should know to what extent he meant to go, and the principles upon which he intended to proceed. His object, in the first place was, that the various statutes of the criminal law should be classed under particular heads, and that the statutes under each head should be united into one single statute: for example he would take all the several statutes relating to the crime of forgery, and bring their enactments under one head. All the acts with respect to larceny he would bring under one other; and so of all the several offences punishable according to our statute law. It was not his intention, in proposing this plan, to introduce any alterations in the existing law. He should not suggest any alteration, either in the character of offences, or in the nature of their punishment. Were he to pursue a contrary course, the greatest possible inconveniences might ensue. It would, therefore, be his first object, that the statutes should appear in a consolidated form, omitting only the surplusage out of the several provisions and enactments. The House would thus be enabled to judge what were the principal existing defects of our criminal law; and defects there were in it, so palpable and apparent, that he was quite convinced, if he could feel himself at liberty now to state them, that the House would unanimously decide that the Statute-book required alterations. Those alterations, however, might form part of another bill, to be hereafter united to the consolidation bill: but at present he must explicitly declare to the House, that it was his object to propose, in the first stage of the general measure that he contemplated, no alterations whatever, except those that he should specifically bring before the House, and in such a manner, as would make it impossible for any honourable member to be ignorant of their legal effect and application. He would not conceal from them, however, that he thought it would eventually be necessary, after they should have seen the criminal law in its consolidated state, and the defects existing in that law, that some material alterations should take place. Those alterations it would be for the committee, and especially for his majesty's government, maturely to consider at a future period. Probably, in the course of next session, he should be prepared to bring forward a proposition on the subject, as he had for many years past assiduously directed his attention to this matter. He would now move, "That a Select Committee be appointed, to consider of the expediency of Consolidating and Amending the Criminal Law of England."

Mr. *J. Smith* rose to second the motion. He was, he said, convinced that the measure proposed by his hon. and learned friend would give the highest possible satisfaction to the country.

The motion was agreed to, and a committee appointed.

PAPERS RELATING TO THE AMELIORATION OF THE CONDITION OF THE SLAVE POPULATION OF THE WEST INDIES.] After numerous petitions had been presented to the House, praying for the Abolition of Slavery, Mr. Secretary Canning presented, by command of his Majesty, the following Papers, in explanation of measures for the Amelioration of the Condition of the Slave Population of the West Indies:

DRAUGHT OF AN ORDER IN COUNCIL FOR IMPROVING THE CONDITION OF THE SLAVES IN TRINIDAD.

1. "Whereas it is necessary that provision should be made for the religious instruction of the slaves in his majesty's island of Trinidad, and for the improvement of their condition. And whereas the Procurador Syndic of the Cabildo of the town of Port of Spain, in the said island, hath hitherto performed the duties of the office of protector and guardian of slaves in the said island, and it is expedient that the said office should be more fully established, and that the duties thereof should be more clearly ascertained, and that provision should be made for the support thereof. Be it, therefore, and it is hereby ordered by the king's most excellent majesty, by and with the advice of his privy council, that the Procurador Syndic of the Cabildo of the town of Port of Spain aforesaid shall be, and he is hereby confirmed in his said office of protector and guardian of slaves. And that as such protector and guardian of slaves he shall receive and be paid, at the time and in the manner hereinafter mentioned, such salary as his majesty shall be pleased to appoint; and that such salary shall commence from and after the 24th day of June, in the present year of our Lord, 1824; and that on or before that day, if possible, or if not then, so soon afterwards as conveniently may be, the

said protector and guardian of slaves shall appear before the governor, or acting-governor for the time being, of the said island, and in his presence shall take and subscribe an oath in the following words, that is to say—

"I, A. B., do swear that I will, to 'the best of my knowledge and ability, 'faithfully execute and perform the duties 'of the office of protector and guardian of 'slaves in the island of Trinidad, without 'fear, favour or partiality—So help me 'God."

"Provided nevertheless, and it is hereby ordered, that nothing herein contained shall extend to prevent his majesty from disuniting the office of protector and guardian of slaves from the office of Procurador Syndic aforesaid, and from appointing a distinct and separate officer to act as, and be the protector and guardian of slaves, in case his majesty shall see fit so to do.

2. "And it is hereby further ordered, that the said protector and guardian of slaves shall establish and keep an office in the town of Port of Spain in the said island, and shall regularly attend at such office on such days, and during such hours in the day, as the governor or acting-governor of the said colony, by any general or special orders to be by him from time to time issued, may appoint; and shall at such office, and not elsewhere, keep, deposit, and preserve the several records, books, papers, and writings, hereinafter directed to be kept by him.

3. "And it is further ordered, that the said protector and guardian of slaves shall not be the owner or proprietor of any plantation situate within the said island, or of any slaves or slave employed or worked upon any plantation, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such plantation, slaves, or slave, and shall and is hereby declared to be incompetent to act as, or be the manager, overseer, agent, or attorney of, for, or upon, any plantation or estate within the said island, or to act as the guardian, trustee, or executor of any person or persons, having, or being entitled to any such plantation, or any slaves or slave; and in case any such protector and guardian of slaves within the said island shall have, acquire, hold or possess, either in his own right, or in right of his wife, or in trust for any other persons or person, any plantation situate within the said island, or any slaves or slave employed or worked upon any plantation, or in any kind of agriculture, or any share or interest in, or any mortgage or security upon, any such plantation, or slaves or slave; or shall act as such manager, overseer, agent, attorney, guardian, trustee, or executor as aforesaid, he shall thenceforth, *de facto*, cease to be such protector and guardian of slaves as aforesaid, and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office. Provided nevertheless, that all acts which may be done by, or by the order of, any such protector and guardian of slaves, after any such avoidance as aforesaid of such his office, and before the same shall by public notice in the Gazette of the said island be declared void, shall be as valid and effectual in the law as if no such avoidance of office had occurred.

4. "And it is further ordered, that the said protector and guardian of slaves shall be resident within the said island, and shall not quit the same without a special licence to be granted for that purpose by his majesty, through one of his principal Secretaries of State, or by the governor, or acting-governor for the time being, of the said island; and no such licence shall in any case be granted for any time exceeding three months, nor shall any such licence be granted by any such governor, or acting governor as aforesaid, unless it shall be made to appear to him, on the oath of some medical practitioner, that such absence is necessary for the recovery of the health of the said protector and guardian of slaves.

5. "And it isfurther ordered, that upon the death or resignation of the said protector and guardian of slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the said island, it shall be lawful for the governor or acting-governor to nominate and appoint some other fit and proper person to act as the deputy for the said protector and guardian of slaves, until his majesty's pleasure shall be known: and the said deputy shall receive such allowance, to be deducted from and out of the salary of the said protector and guardian of slaves, as the governor, or acting-governor for the time being of the said island, shall be pleased to appoint. Provided always, that no persons shall be appointed or be competent to act as such deputy as aforesaid who,

according to the provisions of this order, would be incompetent to act as the protector and guardian of slaves. Provided also, that the protector and guardian of slaves in the said island shall at all times perform his duty in person, and not by deputy, except only in cases in which the governor or acting-governor of the said island is hereinbefore authorized to appoint a deputy for that purpose.

6. "And it is hereby further ordered, that the said protector and guardian of slaves shall be, and he is hereby declared to be, a magistrate in and for the said island of Trinidad, and all such powers and authorities, of what nature or kind soever, as are now by law vested in the commandants of the several quarters of the said island, for the maintenance of the public peace and good order, shall be, and the same are hereby, vested in the said protector or guardian of slaves, to be by him exercised throughout each and every quarter of the said island.

7. "And it is hereby further ordered, that the commandants of the several quarters within the said island shall be, and they are hereby declared to be, assistant protectors and guardians of slaves, in their several and respective quarters; and the said commandants shall, and are hereby required, in their several and respective quarters, to be aiding and assisting the protector and guardian of slaves in the execution of the powers hereby committed to him; and for that purpose to obey and carry into execution such lawful instructions as they may from time to time receive from him, bout, or in relation to, the matters herein mentioned, or any of them.

8. "And it is hereby further ordered, that in all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any tribunal or court of justice within the said island, wherein any slave may be charged with any offence punishable by death or transportation, or wherein any question may arise as to the right of any alleged slave to freedom, or wherein any person may be charged with the murder of any slave, or with any offence against the person of any slave, or wherein any question may arise respecting the right of any slave to any such property as he or she is hereinafter declared competent to acquire; then and in every such case such notice shall be given to the protector and guardian of slaves, of every such action, suit, or prosecution, as, according to the law of the said island, would be given to the said slave, if he or she were of free condition. And the protector and guardian of slaves shall, and is hereby required to attend the trial or hearing, and all other the proceedings in every such action, suit, or prosecution, as the protector of such slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of any such slave.

9. "And whereas his majesty hath been graciously pleased to intimate his intention to make effectual provision for the religious instruction of the slaves in the said island of Trinidad; and it will be proper and necessary, so soon as such his majesty's intentions can be carried into effect, that Sunday markets should be utterly abolished throughout the said island—Be it therefore, and it is hereby further ordered, that it shall and may be lawful for the governor, or acting-governor for the time being, of the said island, and he is hereby required, in obedience to any instruction which may for that purpose be issued by his majesty, through one of his principal secretaries of state, to issue a proclamation, in his majesty's name, for the discontinuance of all markets throughout the said island on the Sunday; and so soon as such proclamation shall have been issued, all Sunday markets shall forthwith cease, and be absolutely unlawful; and in any such proclamation, the said governor or acting-governor shall and may, and is hereby authorized to make all such rules and regulations as may be necessary for the effectual suppression of such markets, and to impose such penalties as may be requisite for giving effect to any such rules and regulations. And whereas a certain proclamation or ordinance was, on the 16th day of November, 1823, issued by the governor of the said island of Trinidad, whereby it was and is ordered and declared, "That from and after the first day of December then next, the market holden in the town of the Port of Spain, for the sale of meat, vegetables, and other provisions, on Sundays, and all other markets to be holden on the Sabbath day throughout the island, should be limited to the hour of ten o'clock in the forenoon, and that due warning

should be given by the ringing of a bell at half-past nine o'clock, to all persons to prepare to depart; and that from and after the hour of ten in the forenoon, no person or persons whatsoever shall remain therein, or publickly show forth or expose for sale any meat, poultry, vegetables, provisions, fruits, herbs, wares, merchandise, goods, or effects, on the Lord's day, after the hour of ten o'clock aforesaid, upon pain that every person guilty of a disobedience or nonconformance of this Order shall forfeit the goods and effects so exposed for sale; or, on refusing to quit the place, forfeit the sum of ten shillings. And it is by the said ordinance further ordered, that if any person or persons shall offend in these premises, it shall be lawful for the chief of the police, or his assistants, or the clerk of the market, or any alquacil or constable, and they are respectively thereby required to seize the goods exposed for sale, and cause them to be taken before any judge or magistrate, or any regidor of the cabildo, who upon view of such goods so exposed shall order the same to be sold forthwith, and the proceeds thereof to be applied and disposed of as follows: that is to say, one-third to the informer, and the remainder to such pious or charitable purposes, and in such manner, as the magistrate or justice ordering the sale shall determine. And it is by such ordinance further ordered, that, in like manner, any person refusing to quit the market-place may be apprehended by the authorities aforesaid, who are authorised and required to demand the penalty thereinbefore provided; and, in default of payment, to commit the offender for twenty hours' imprisonment. And it is by the said ordinance provided, that nothing therein contained shall extend to the prohibition of dressing or selling meats in inns or victualling houses, nor the sale of fish at the fish-house, provided the same do not take place during the hours appointed and set apart for divine service. And it is by the said ordinance noticed and set forth, that the limitation thereinbefore declared, respecting the markets to be holden on Sundays, may not afford sufficient time for the sale of the articles and provisions necessary for the consumption of the inhabitants; and it is therefore thereby ordered that Thursday be also a market-day, on which free persons are invited to attend, so as to lessen the number of persons resorting to the market on Sundays, which is especially retained for the due and reasonable encouragement of the slave population in habits of industry; and as it may not occasionally be inconvenient for proprietors to permit their slaves to bring the produce of their labour to market on another day than Sunday, the day of Thursday in each week is thereby declared to be a market-day in future. And it is by the said ordinance further ordered, that when, and so soon as the same may be found practicable, the market on Sundays will be further limited to the hour of nine in the forenoon of the said day." And whereas it is expedient that the said Order or Proclamation, of the 16th of November, 1823, should continue and be in force throughout the said island, in the mean time, and until such proclamation as aforesaid shall be issued for the absolute and total abolition of Sunday markets. Be it, therefore, and it is hereby ordered, that the said ordinance or proclamation, of the 16th of November, 1823, shall be, and the same is hereby confirmed. And that the said ordinance shall be and continue in force within the said island, until a proclamation shall be issued in manner aforesaid, for the total abolition of Sunday markets therein.

10. "And it is hereby furthe ordered, that if any person or persons within the said island shall work or employ any slave, at any time between the time of sunset on any Saturday, and sunrise on any Monday, or shall, during that period, procure, induce, or compel any slave to perform or engage in any labour, for the profit or advantage of his or her owner, manager, or employer, the person or persons so offending shall incur and become liable to a fine not exceeding fifty, nor less than five dollars. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to any work or labour which any slave may perform on Sunday in the necessary attendance upon the person, or in the family, of his or her owner or employer; or in the necessary and unavoidable preservation of the cattle or live stock upon any plantation.

11. "And it is further ordered and declared, that it is and shall henceforth be illegal for any person or persons within the said island of Trinidad, to carry any whip, cat, or other instrument of the like nature, while superintending the labour of

any slaves or slave in or upon the fields or cane-pieces upon any plantation within the said island, or to use any such whip, cat, or other instrument, for the purpose of impelling or coercing any slaves or slave to perform any labour of any kind or nature whatever, or to carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument of the like nature, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same over any slaves or slave; and in case any persons shall carry any whip, cat, or other instrument of the like nature while superintending the labour of any slave or slaves in or upon any plantation or cane-piece within the said island, or shall use any such whip, cat, or other instrument as aforesaid, for the purpose of impelling or coercing any slave or slaves to perform any labour of any kind or nature whatsoever; or shall carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument, as aforesaid, as a mark or emblem of their, his, or her authority over any slave or slaves, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal driving, or use, or exibition of any such whip, cat, or other instrument as aforesaid, shall be, and be deemed, adjudged, and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided.

12. "And it is further ordered and declared, that it is and shall henceforth be illegal for any persons or person to inflict, in any one day, upon any male slave, for any crime or offence, or upon any ground or for any reason whatever, any number of stripes or lashes exceeding twenty-five in the whole, or to inflict upon any such male slave any punishment or correction by the whipping, scourging, or beating of his person, unless the person of such slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any former whipping, scourging, or beating, or to inflict upon any such male slave any punishment or correction by the whipping, scourging, or beating of his person, until twenty-four hours at the least shall have elapsed from the time of the commission of the offence for, or in respect of which any such punishment or correction may be so inflicted; or to inflict upon any such male slave any such punishment or correction as aforesaid, unless one person of free condition shall be present at, and witness the infliction of, such punishment, other than besides the person by or by the authority of whom the same may be so inflicted; and in case any person or persons shall inflict, in any one day upon any male slave, any number of stripes or lashes exceeding twenty-five in the whole, or shall whip, scourge, or beat any such male slave at any time when there may be upon his person any laceration occasioned by any former whipping, scourging, or beating, or shall inflict upon any such male slave any such punishment or correction as aforesaid within twenty-four hours next after the commission of the offence, for or in respect of which the same may be so inflicted, or without the presence and attendance during the whole of such punishment of some person of free condition other than and besides the person by or by the authority of whom the same may be so inflicted, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting, in any such illegal punishment of any such male slave, shall be, and be deemed to be, guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter provided. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishments which may be inflicted upon any male slave, under or by virtue of any sentence or judgement of any court of competent jurisdiction within the said island.

13. "And it is hereby further ordered, that henceforth it shall not be lawful to correct or punish by flogging or whipping, any female slave within the island of Trinidad, for any offence committed or alleged to be committed by any such slave; and if any person or persons within the said island shall flog, whip, or correct any female slave, with any whip, cat, stick, or other such like instrument, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting, in any such correction or punishment as aforesaid, of any such female slave, shall be and be deemed, adjudged, and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is

hereinafter provided. And whereas, it is necessary that effectual means should be adopted for punishing such offences as may hereafter be committed by female slaves within the said island. Be it therefore, and it is hereby ordered, that any female slave who shall or may commit any offence within the said island, which, by the laws in force there, was heretofore punished by flogging, shall, for such her offence, be subject and liable to imprisonment, or to be confined in the stocks, or to such other punishment, or correction as may be necessary for the effectual suppression of such offences, and as may be specially sanctioned, in and by any proclamation to be hereafter issued by the authority and in the name of his majesty, in the said island. And the governor, or acting-governor of the said island, shall, and is hereby authorized to make and ordain such rules and regulations as may be necessary for preventing any excess in such punishments, or any abuse in the mode of inflicting the same. Provided that such rules and regulations be not in any wise repugnant to this present Order. And provided also that the same be forthwith transmitted by such governor or acting-governor as aforesaid, for his majesty's approbation; and that all such rules or regulations shall cease to be binding or in force within the said island, unless his majesty's allowance thereof shall be signified to such governor or acting-governor within two years next after the date of such rules and regulations.

14. "And it is hereby further ordered, that there shall be kept upon every plantation and estate throughout the said island, a book to be called "The Plantation Record Book," and that it shall be the duty of the owner, proprietor, manager, or other person, having the direction of, and the chief authority in, the said plantation, to enter and record in the said book, at or immediately after the time of the infliction of any punishment whatsoever, on any female slave, or on any male slave, who may be punished with any number of stripes exceeding three, a statement of the nature and particulars of the offence for or in respect of which such punishment may be inflicted: and the time at which, and the place where, such offence was committed; and the time at which, and the place where such punishment was inflicted; and of the nature, extent, and particulars of the punishment, and, in the cases of male slaves, of the number of stripes actually inflicted upon the offender, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted; and of the persons or person of free condition present, and attending at the infliction of every such punishment.

15. "And it is hereby further ordered, that if any person, being the owner, proprietor, or manager, of any plantation or estate within the said island, or having the management thereof, or the chief authority therein, shall neglect or omit to make in the said Plantation Record Book, any entry which, according to the provisions of this present order, ought to be made therein, or shall not make such entry within two days next after the infliction of each and every punishment, to which the same may refer, the person so offending shall incur and become subject and liable to a penalty not exceeding one hundred pounds, nor less than five pounds sterling, British money; to be recovered and applied in manner hereinafter mentioned. And if any person or persons shall wilfully or fraudulently make, or cause or procure to be made, any false entry or fraudulent erasure in any such Plantation Record Book, or shall wilfully or fraudulently burn, destroy, cancel, or obliterate the name or any parts or part thereof, the person or persons so offending shall be, and be deemed and taken to be, guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter provided.

16. "And it is hereby further ordered, that every owner, proprietor, or manager, or other person having the chief authority within each and every plantation or estate within the said island, shall, on the first Monday which shall happen next after the 5th day of April, the 24th day of June, the 29th day of September, and the 25th day of December, in each year, repair to the commandant for the time being of the quarter in which such plantation or estate may be situate, and then and there produce before him a precise and exact transcript of every entry, which during the quarter of a year next preceding may have been made in the Plantation Record Book, of his or her plantation or estate; and shall also take and subscribe an oath, to be annexed to the said transcript in the following words (that is to say),

"I, A. B., the owner or manager (as the case may be) of the plantation, called , in the quarter , in the island of Trinidad, do make oath and say, that the paper writing hereunto annexed contains a true and exact copy of every entry which, since the day of last, hath been made in the Plantation Record Book of the before-mentioned plantation. And I do further swear, that the said Plantation Record Book hath been punctually and accurately kept, since the said day of in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent. So help me God."

"And in case any such owner or manager, as aforesaid, shall not, since the time of making his last preceding return to the commandant of the quarter, have inflicted, or caused to be inflicted, any punishment upon any female slave, on his plantation or estate, or any punishment on any male slave, exceeding three lashes, then, and in every such case, in lieu of the oath aforesaid, such owner or manager shall, at the several times aforesaid, take and subscribe before the commandant of the quarter in which such plantation may be situate, an oath, in the following words (that is to say),

"I, A. B., do swear, that since the day of now last past, no punishment hath been inflicted by me, or by my order, or with my knowledge, upon any female slave belonging or attached to the plantation called situate in the quarter of whereof I am manager. And that no punishment hath since the said day of been inflicted upon any male slave, belonging or attached to the said plantation, exceeding three lashes. And I further swear that no entry of any such punishments hath since the said day of been made in the Plantation Record Book of the said Plantation. So help me God."

17. "Provided always, and it is further ordered, That the commandant of each, and every quarter, within the said island, shall, fourteen days at the least before the time of making the returns transmit to the owner or manager of every plantation situate within his quarter, a printed blank form of the before-mentioned affidavits, together with a notice of the time and place at which he will attend, for the purpose of receiving the returns, and administering the oaths aforesaid; and the said commandant shall, and is hereby required to attend, from day to day, for three successive days, and no more, for the purposes aforesaid; and in case it shall be made to appear to such commandant, by the certificate of any medical practitioner, that any person or persons liable to make such return is or are, by reason of sickness, incapable of attending for that purpose, at the time and place so to be appointed as aforesaid, then, and in every such case, the said commandant shall, and he is hereby required to, attend the person or persons so incapacitated, at his, her, or their place or places of abode, for the purpose of receiving the said returns, and taking such affidavits as aforesaid.

18. "And it is hereby ordered, that if any person or persons shall refuse or neglect to make any return, or to take and subscribe the oaths required by this present Order, the person or persons so offending shall incur, and become liable to the payment of a fine not exceeding one hundred pounds, nor less than ten pounds, sterling British money; to be recovered and applied in manner after-mentioned.

19. "And it is hereby further ordered, that the commandant of each and every quarter in the said island shall, and he is hereby required to transmit to the protector and guardian of slaves of the said island, at his office in the town of Port of Spain, the whole of the returns so to be made to him as aforesaid, together with the original affidavits thereunto annexed, within fourteen days next after such quarterly returns shall be complete. And in case any such commandant shall himself be the owner or manager of any plantation, he shall, together with the said returns, deliver to the said protector and guardian of slaves a transcript of the entries in his own plantation book for the last preceding quarter of a year, together with an affidavit to be by him sworn before the chief judge, or some one of the alcaldes in ordinary of the said island, in the manner and form hereinbefore described, under such and the like penalty as is hereinbefore mentioned, in the case of other persons refusing or neglecting to make their returns or to take the before-mentioned oaths.

20. "And it is hereby further ordered, that the said protector of slaves shall record and enrol in books, to be by him kept for that purpose, the whole of the returns so to be made to him, and shall

keep and preserve in his office the originals of the said returns and affidavits; and for the better and more convenient keeping of the said records, it is further ordered, that the said protector and guardian of slaves shall keep a distinct book for each quarter of the said island, and shall therein transcribe each of the said returns in alphabetical order, according to the name by which each plantation is described in every such return, and shall also make and keep full and exact indexes of such books.

21. "And it is hereby ordered, that upon the prosecution of any person, being the owner, proprietor, or manager of any plantation, for inflicting or causing or procuring to be inflicted, on any slave or slaves, any punishment hereby declared illegal, if the slave so alleged to have been illegally punished shall be produced in open court, and if the marks or traces of recent flogging or laceration shall appear on the person of such slave, and if such slave shall in open court declare such traces to be the consequences of any such unlawful punishment or correction, and being duly examined by the said court shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, and in every such case, although such slave should not be a competent witness within the provisions of this present order, the owner, proprietor, manager, or other person having the charge of such slave, shall be bound to prove either that the punishment, of which the marks or traces may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment within the meaning of this order, and was inflicted in the presence of one such witness of free condition as is required by this present order; and in default of such proof, such owner, proprietor, manager, or other person as aforesaid, shall be convicted and adjudged to be guilty of the offence imputed to him; and it is further ordered, that every such prosecution as aforesaid shall be conducted by the protector and guardian of slaves, and that it shall not be lawful for him to discontinue any such prosecution, except by virtue of an order in writing, to be for that purpose issued under his hand and seal by the governor or acting-governor for the time being of the said island.

22. "And it is further ordered, that any persons being in a state of slavery, who may be desirous to intermarry, shall, at their election, apply either to the protector and guardian of slaves, or to the commandant of the quarter in which the woman may reside, for a marriage licence, and as an authority to him to grant the same shall produce the consent in writing of their owner or owners, manager or managers, to the celebration thereof; but in case the owner or manager of both or either of the said slaves shall refuse to consent to any such marriage, or to give such written permission for the celebration thereof as aforesaid, then and in every such case the said protector and guardian of slaves, or commandant, as the case may be, shall thereupon issue a summons, under his hand and seal, requiring the owner or manager of such slaves, or the persons or person under whose direction such slaves may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed, such time being not more than fourteen days distant from the time when such application as aforesaid shall be received by such protector and guardian of slaves, or commandant, as aforesaid. And if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said protector and guardian of slaves or commandant, or appearing, shall fail to lay before him good and sufficient proof that such proposed marriage would be injurious to the well-being of the said slaves, then and in every such case the said protector and guardian of slaves or commandant shall, without fee or reward, issue a licence under his hand and seal, thereby authorising any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any public teacher of religion within the said island, carrying on there no other profession, business, or occupation of profit, to solemnize the marriage of the said slaves. And it shall and may be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such licence, to solemnize any such marriage as aforesaid, and the same, when so solemnized, shall to all intents and purposes be binding, valid, and effectual in the law; and any person by whom any such marriage may be so solemnized, by virtue of any such license, shall within fourteen days next after the

solemnization thereof, under a penalty of not more than twenty pounds, and not less than five pounds sterling transmit to the said protector of slaves a certificate of the solemnization of such marriage; and the said protector and guardian of slaves shall register in a book, to be by him kept for that purpose, every marriage which may be so solemnized, with the date thereof, and the names, descriptions, and places of abode of the parties contracting, and of the person solemnizing every such marriage. Provided nevertheless, that nothing herein contained shall extend or be construed to extend to render any marriage between persons in a state of slavery valid or effectual which would be illegal or void if such persons were of free condition.

23. "And it is further ordered, that it shall not be lawful in the execution of any judgment, sentence, decree, or order of any tribunal, of any court of justice within the said island, to seize or sell in satisfaction thereof any slave having a husband or wife, or a child under the age of sixteen years, or a reputed husband or wife, or child under the age aforesaid, who may be the property of the same persons or person, unless such husband, and wife, and child, or reputed husband, wife, or child, shall be sold together, and in one and the same lot, and to the same persons or person. And if in the execution of any such judgment, sentence, decree, or order, any slave or slaves shall be sold separate or apart from any such husband, or wife, or child, or reputed husband, or wife, or child as aforesaid, then and in every such case such sale and execution shall be, and the same is hereby declared to be, absolutely null in the law to all intents and purposes whatsoever.

24. And whereas, by the usage of the said island of Trinidad, persons in a state of slavery have hitherto been reputed competent in the law, and have in fact been permitted to acquire, hold, and enjoy property free from the control or interference of their owners. And it is expedient that the said laudable custom should be recognized and established by law, and that provision should be made for enabling such slaves to invest such their property on good security. Be it therefore, and it is hereby ordered and declared, that no person in the island of Trinidad being in a state of slavery shall be, or be deemed, or taken to be, by reason or on account of such his condition, incompetent to purchase, acquire, possess, hold or enjoy, alienate, or dispose of property; but every such slave shall and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of lands situate in the said island, or money, cattle implements or utensils of husbandry or household furniture, or other effects of such or the like nature, of what value or amount soever, and to bring, maintain, prosecute, and defend any suit or action, in any court of justice, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition.

25. "And it is hereby further ordered, that savings banks shall be established within the said island, for the better preserving the property of any such slaves, and that interest, at and after the rate of five pounds per cent per annum, shall be allowed upon the amount of every sum of money which may be deposited in any such savings banks, which interest shall be a charge upon the general revenues of the said island. And any slave making any deposit of money in any such savings banks, shall be at liberty to make a declaration of the manner in which and the names of the person or persons to whom, in the event of his or her death, the amount of his contributions to the said savings banks shall be paid, applied, and disposed of; and such declaration shall be recorded in a book to be kept for that purpose at the savings banks, where such deposit may be made, and upon the death of the slave making such declaration, the same shall be deemed and taken to be the last will and testament of such slave, in the absence of any other last will: and in case any such slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be, a revocation in the law of such declaration; and it is further ordered, that in case any slaves or slave in the said island shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of such slave shall go, and be disposed of, to and in favour of such persons or person as by virtue of the several acts of parliament for the distribution of intestates' estates, would, according to the law of England, be entitled to any such property.

26. "And it is hereby further ordered, that the saving banks throughout the said

island shall be under and subject to the control and inspection of the protector of slaves; and that the governor or acting-governor for the time being, for the said island, shall and is hereby authorized to appoint such proper and necessary officers, and to make such rules and regulations as may be best adapted for managing the business of the said banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies therein to be deposited, provided that such rules and regulations be not repugnant to this present order, and that the same be forthwith transmitted for his majesty's approbation through one of his majesty's principal secretaries of state.

27. "And it is hereby further ordered, that no deposit of money shall at any one time, or within any one week, be received at any of the said savings banks, from any slave, exceeding the sum of twenty dollars in the whole, unless such slave, at the time of tendering any such deposit, shall produce the consent in writing of his owner or manager to such deposit being made; and in case any slave shall be desirous at any one time, or in any one week, to make any such deposit of money exceeding the sum of twenty dollars, and the owner or manager of such slave shall refuse his consent to such deposit being made, then and in every such case, the protector and guardian of slaves, upon application to him for that purpose made, shall issue a summons under his hand and seal, requiring the owner or manager of such slave, or the persons under whose direction such slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said protector of slaves, or appearing shall fail to lay before him good and sufficient cause why such deposit ought not to be made, then and in every such case the said protector and guardian of slaves shall issue an order under his hand and seal, requiring the manager of the savings bank to receive the amount of such deposit, and the same shall be received by him accordingly.

28. "And it is hereby further ordered, that no duty, tax, or impost, of any nature or kind whatsoever, and that no fee of office shall be hereafter paid or payable within the said island, upon, for, or on account, or in respect of the manumission of any slave, or the enrolment or registration of any deed of manumission, saving and excepting a fee not exceeding twenty shillings sterling British money, which shall by the said protector and guardian of slaves be paid to the registrar of deeds of the said island, for enrolling and registering every such deed of manumission, and which fee shall be repaid to such protector and guardian of slaves out of the public revenue of the said colony. And if any person within the said island shall hereafter take, demand, or receive, any such tax, duty, impost, or fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine, not exceeding pounds, and not less than pounds, sterling British money.

29. "And it is hereby further ordered, that in case any slave within the said island shall be desirous to purchase the freedom of himself or herself, or of his or her wife, or husband, or child, or brother, or sister, or reputed wife or husband, or child, or brother, or sister, it shall and may be lawful to and for any such slave so to purchase the freedom of himself or herself, or of any such other person as aforesaid; and if the owner or proprietor of any such slave shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage, settlement, lease, or other charge upon, or interest in, such slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of any such slave, or if the owner or proprietor, or any other person having an interest in any such slave, shall be a minor, or a married woman, or idiot, or lunatic, or if the real and true owner of any such slave shall be absent from the said island, or shall not be known, or if any suit or action shall be depending in any court of justice in the said island, wherein the title to the said slave, or the right to his services shall or may be in controversy, or if the owner of any such slave shall demand, as the price of his or her freedom, a greater sum of money than may be the fair and just value thereof, then, and in each and every of the cases aforesaid, the chief judge of the said island, on application made to him for that purpose by the protector and guardian of slaves, shall issue a summons under his hand and seal, requiring the owner or manager of

such slave, or the persons or person under whose direction such slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed, and notice shall also be published by the said protector and guardian of slaves, in the public gazette of the said island, on three several days, of the time and place appointed for the purpose aforesaid, and in such notice all persons having, or claiming to have, any title or interest in or to the slave proposed to be manumitted, either in their own right, or as the guardians, attornies, trustees, or executors of any other person, shall be required to attend and prefer such claims.

30. "And it is hereby further ordered, that at the time appointed for any such meeting as aforesaid, the chief judge of the said island, in the presence of the protector and guardian of slaves, and also in the presence of the owner or manager of the slaves or slave proposed to be manumitted, or (upon proof being made to him, upon oath, of the due service and publication of such notice as aforesaid, then, if necessary), in the absence of such owner or manager, shall proceed to hear in a summary way, what may be alleged by the said protector and guardian of slaves, and by the owner or manager, or other persons claiming any interest in the slave proposed to be manumitted; and in case the parties, or any of them, shall refuse to effect such manumission, or if it shall appear to the said chief judge, that a valid and effectual manumission of any such slave cannot legally be effected by private contract, or if it shall be made to appear to the said chief judge, that the owner or proprietor of any such slave, or that any person having a charge upon or interest in him or her, is a minor, or a married woman, or idiot, or lunatic, or that the real and true owner of any such slave, or that any person having any charge upon, or interest in him, or her, is absent from the said island, or is unknown, or cannot be found, or that any suit of action is depending in any court of justice in the said island, wherein the title to the said slave or the right to his or her services is in controversy, or if it shall appear to the said chief judge, that any difference of opinion exists between the protector and guardian of slaves of the said island, and the owner or proprietor of any such slave respecting his or her price or value, then, and in every such case, the said chief judge shall require the protector of slaves, and the owner, manager, or person having the direction of any such slave, each to nominate an appraiser of his or her value; and the said chief judge shall himself nominate an umpire between such appraisers. And the said appraisers being first duly sworn before the said judge to make a fair and impartial appraisement, shall, within seven days next after such their appointment, make a joint valuation of the slave proposed to be manumitted, and shall certify such their valuation to the chief judge under their hands and seals. And in case such joint certificate shall not be delivered to the said chief judge within the said term of seven days, then the said umpire, being duly sworn in manner aforesaid, shall, within the next seven days, certify his valuation, under his hand and seal, to the said chief judge, and the valuation, to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of registry in the said island.

31. "And it is hereby further ordered, that upon payment to the treasurer of the said island of the appraised value of any such slave as aforesaid, after deducting therefrom the expense of the appraisement to be allowed by the said chief judge, the said treasurer shall grant to the protector of slaves a receipt for the money so to be received by him. And such receipt shall be duly enrolled in the office of registry in the said island, together with a declaration under the hand and seal of the said chief judge, that the proceedings required by law for the manumission of the slave by or on behalf of whom such money was paid, had been duly had before him, and thereupon such slave shall be and be deemed, taken, and reputed to be, free to all intents and purposes whatsoever.

32. "And it is further ordered, that the money to arise from the manumission of any slave by virtue of the proceeding before mentioned, shall and may be laid out and invested under the authority of the chief judge, on the application of any person or persons interested therein in the purchase of any other slave or slaves; or if no such application shall be made, then such money shall remain in the hands of the public treasurer of the said island, at

interest at and after the rate of five pounds, per centum per annum, such interest to be borne by, and defrayed out of the revenues of the said colony, and the slave or slaves so to be purchased with the said money as aforesaid; or, in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing due thereupon, shall be the property of the persons who were the proprietors of such manumitted slave or slaves, and shall be held, upon, under, and subject to, all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands, of what nature or kind soever, as such slave or slaves was or were held upon, under, or subject unto, at such the time of his, her, or their manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the chief judge of the said colony may, upon a summary application of any person interested therein, see fit to make, and such principal money and interest shall by the said treasurer be paid, applied, and disposed of in pursuance of and obedience to any such order.

33. "And it is hereby further ordered, that before the manumission of any slave by virtue of any private contract for that purpose, between such slave and his owner, notice of such intended manumission shall, by the owner of such slave, be given in writing to the protector and guardian of slaves, who on behalf of the said slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian of slaves shall also, without fee or reward, prepare the proper deed of manumission, and the same shall, in all cases, be executed in the presence of the said protector and guardian of slaves, or of some proper witness, to be by him appointed for that purpose, and being so executed, shall by such protector and guardian of slaves be enrolled in the office of registry in the said island, within one calendar month next after the date and execution thereof. And in case any such deed shall not be left for enrolment at the said office of registry within the said period of one calendar month, the said protector of slaves shall incur and be liable to the payment of a fine not exceeding   pounds, nor less than   pounds, sterling English money.

34. "And it is hereby ordered, that in case any such deed of manumission as aforesaid shall be executed voluntarily and without any valuable consideration passing to the owner or other person effecting such manumission, the slave or slaves so to be manumitted shall before the actual execution of any such deed, appear before the said protector and guardian of slaves, or before the commandant of the quarter in which such slave may happen to be resident; and if it shall appear to the said protector and guardian of slaves, or to such commandant, as the case may be, that the slave about to be so gratuitously manumitted, is under the age of six years, or above the age of fifty years, or is labouring under any habitual disease or infirmity of mind or body, the owner or other person about to effect such manumission shall, at the time of the execution of the deed of manumission, execute and deliver under his hand and seal a bond to his majesty in the penal sum of two hundred pounds, with a condition thereunder written for the defeazance thereof, if the said slave shall be properly fed, clothed, and maintained until the age of fourteen years in the case of infants, or during the term of his or her natural life, in the case of adults of the age of fifty years, or labouring under any such sickness, disease, or infirmity as aforesaid; and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of registry, until such bond as aforesaid be duly executed, and deposited at the said office.

35. "And it is hereby further ordered, that every clergyman of the established church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion, in the said island, and every other person being a public teacher of religion within the said island, shall, and is hereby authorized to transmit or deliver under his hand to the commandant of the quarter in which he may be resident, certificates setting forth the names or name and places or place of abode of any slaves or slave, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath. And the commandants of the several quarters in the said island shall, and are hereby required to, transmit such certificates as aforesaid to

the protector and guardian of slaves, who shall, and is hereby required to, register the same in a book to be kept by him for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same may be granted, and of every slave mentioned and included therein; provided, nevertheless, that no priest, minister, or public teacher of religion, not being a clergyman of the church of England, or a minister of the Kirk of Scotland, shall be competent to grant any such certificate, as aforesaid, unless his majesty's principal secretary of state, having the department of the colonies, or the governor or acting-governor for the time being of the said island of Trinidad, shall have granted to such priest, minister, or public teacher, a license in writing to act as an instructor of slaves in the said island; and unless such license shall be in force, and have been first registered at the office of the said protector of slaves.

36. " And it is further ordered, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal justice in the said island, by reason of his or her being in a state of slavery, if the person or persons producing or tendering him or her as a witness shall produce and exhibit to the court a certificate under the hand of the said protector and guardian of slaves, that such proposed witness is registered in the beforementioned book; and the protector of slaves shall, and he is hereby required to grant, without fee or reward, to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book; provided, nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned, or in any case where any white person may be charged with or prosecuted for any offence punishable with death; provided also, that nothing herein contained shall extend or be construed to extend, to render any slave a competent witness in any case in which such slave would be incompetent to give evidence if he or she were of free condition.

37. " And it is hereby further ordered, that the salary of the protector and guardian of slaves shall by him be taken and received in lieu and in full satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever; and that if the said protector and guardian of slaves shall take or receive directly or indirectly, any fee, perquisites of officae, dvantage, or emolument, other than besides his said salary, for or in respect of any act, matter, or thing done or performed by him in the execution of such his office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his office.

38. " And it is hereby further ordered, that the said protector and guardian of slaves, shall on the first Monday next after the 25th day of December, and on the first Monday next after the 24th day of June, in each year, deliver to the governor or acting-governor for the time being of the said island, a report in writing, exhibiting an account of the manner in which the duties of such his office have been performed during the half year next preceding the date of such his report; and especially stating the number of the actions, suits, and prosecutions, in which he may have acted as the protector of any slave or slaves, with the dates and effects of all the proceedings therein, and the particulars of all the returns which by virtue of this order may have been made to him by the commandants of the several quarters within the said island; and the names of the persons, if any, against whom he may have instituted any criminal prosecutions, under and by virtue of this order, together with a statement of the names of all slaves who may have been certified to him as being competent to give evidence in any court of justice, together with the number of licences which may by him have been granted for the marriage of any slaves, with the number of marriages appearing to have been solemnized in pursuance thereof, together with the amount of the sums of money deposited in any savings banks, in the said island, together with a statement of the names of all the slaves manumitted under the authority of this present order; and the governor or acting-governor for the time being of the said colony, shall thereupon administer to the said protector of slaves an oath that such report contains a true and accurate statement of the several matters and things therein referred to: and when and so soon as the said protector of slaves shall have made such his

half yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before the said governor or acting-governor shall issue to the said protector and guardian of slaves a warrant upon the treasurer of the said island for the amount of his salary for the half year next preceding the date of such report, and the said governor shall, and he is hereby required, by the first convenient opportunity, to transmit such report as aforesaid to his majesty's principal secretary of state having the department of the colonies.

39. "And it is further ordered, that if the protector and guardian of slaves or any commandant of any quarter in the said island, or any other person, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the books, records, or returns herein before required to be made, or shall wilfully falsify any such books, records or returns or shall wilfully make, or cause or procure to be made, any false entry in any such book, record, or return, or shall wilfully and fraudulently burn, cancel, or obliterate the same, or either of them, or any part thereof, the person or persons so offending shall be, and be deemed, adjudged, and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter directed.

40. "And it is further ordered, that any of the people called Quakers who may be resident in the said island, being required to take any of the oaths prescribed by this present order, may, and they are hereby authorised to make their, his, or her solemn affirmation in lieu of such oaths; and that any person taking any oath, or, being a Quaker, making his solemn affirmation under or in pursuance of this order, who shall be convicted of swearing or affirming falsely, shall incur and suffer such punishment as by the law of the said island may be inflicted on any persons guilty of wilful and corrupt perjury.

41. "And it is hereby further ordered, that any person who may be convicted of any act hereby declared to be misdemeanour, shall, if of free condition, be and become liable to a fine not exceeding five hundred pounds, and not less than fifty pounds, sterling English money, or to imprisonment for any time not exceeding six months nor less than one month, or both to fine and imprisonment, at the discretion of the court by which any such person may be convicted; and in case any person shall be so convicted of any cruelty to any slave, the said court shall, and is hereby authorised at their discretion to declare the right and interest of the person so convicted in and to any such slave to be absolutely forfeited to his majesty; and all such offences as aforesaid shall be heard, tried, and inquired of by and before the court for criminal prosecutions in the said island, and all such pecuniary fines as aforesaid, and all other pecuniary fines imposed by this order, shall be recovered in the said court, and shall be paid and payable in equal moieties, one half to his majesty, and the remaining half to any person or persons who may commence any suit or prosecution for the same.

42. "And be it further ordered, that if any person shall be twice convicted before any tribunal in the said island of inflicting upon any slave any cruel or unlawful punishment, the person so convicted shall, in addition to the penalties hereinbefore mentioned, be declared by the court before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer or superintendent of any slaves or slave within the said island; and all and every the slaves or slave, of which, at the time, of such second conviction, any such person may be the owner or proprietor, shall thenceforth become, and be absolutely forfeited to and vested in his majesty his heirs and successors.

43. "And it is further ordered, that the governor or acting governor of the said island shall, within one month next after this present order shall be received by him, make known the same by proclamation throughout the said island; and that the said order shall be in force in one calendar month next after the date of such proclamation and not before.

"And the right honorable Henry Earl Bathurst, one of his majesty's principal secretaries of state, having the department of the colonies, is to give the necessary directions herein."

By The King—A proclamation.

"George R.

"Whereas it has been represented to us, that the slaves in some of our West-India Colonies, and of our Possessions on the Continent of South America, have been erroneously led to believe that orders had been sent out by us for their emancipation: And whereas such belief has produced acts of insubordination, which have excited our highest displeasure: We have thought fit, by and with the advice of our privy council, to issue this our royal proclamation: And we do hereby declare and make known, that the slave population in our said colonies and possessions will be undeserving of our protection if they shall fail to render entire submission to the laws, as well as dutiful obedience to their masters: And we hereby charge and command all our governors of our said West-India Colonies and possessions, to give the fullest publicity to this our proclamation, and to enforce by all legal means in their power the punishment of those who may disturb the tranquillity and peace of our said colonies and possessions.

"Given at our Court at Carlton House, this 10th day of March, 1824, and in the 5th year of our reign. "God save the King."

The said papers were ordered to lie on the table.

AMELIORATION OF THE CONDITION OF THE SLAVE POPULATION IN THE WEST INDIES.] Mr. Secretary *Canning* then proceeded to address the House as follows:

Sir, I rise to discharge my duty to the House, both as the mover of the resolutions which were passed on the 16th of May last year, and as the organ, in this House, of the government which undertook to carry the principles of those resolutions into effect. With a review of the measures which have been adopted, and of the course which has been pursued, by his majesty's government, in obedience to those resolutions, it is my intention to combine another subject, kindred in its nature; I mean, a proposition for the more effectual abolition of the odious trade which furnished to the West Indian colonies that population, the condition of which it is now our study to ameliorate. I shall postpone, however, to the conclusion of what I have to state to the House; the latter subject, on which I anticipate an entire concurrence; and shall address myself, in the first instance, to the contents of the papers which I have just laid upon the table. I begin, Sir, with requesting that the resloutions of the 16th of May 1823, may be read.

The Clerk then read the following resolutions:

["Resolved, *nem. con.* "That it is expedient to adopt effectual and decisive measures for ameliorating the condition of the Slave Population in his majesty's colonies:

"That, through a determined and persevering, but at the same time judicious and temperate enforcement of such measures, this House looks forward to a progressive improvement in the character of the Slave Population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of his majesty's subjects.

"That this House is anxious for the accomplishment of this purpose at the earliest period that shall be compatible with the well-being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property."]

Mr. Secretary *Canning* continued.—I am desirous, Sir, that the House should have present to its mind the text of these resolutions; because it is by the spirit and meaning of them, that the conduct of his majesty's government has been guided. These resolutions therefore, and not any more sweeping principle, or any more wide-spread theory, constitute the criterion by which the conduct of the government is to be judged.

Undoubtedly, Sir, if there be a question at which it is impossible for any person, the most careless, to look with indifference, but which any man, who approaches it as a subject of legislation, must view with the deepest awe—it is the question now before us. To speak of the difficulties which encompass it, as compared with almost any other question which has ever occupied the attention of parliament, would be to draw but a faint and feeble picture of those difficulties: they are, indeed, apparent to the most casual observation; but he who has to probe and prove them, for the purpose of applying a remedy, finds them thickening around him at every step, and leaving him frequently nothing but a choice of evils. Formidable, however, as the question is, in its present shape, it is undoubtedly less so, than it was last year, when first propounded to the House. At that time, we had to steer our course amidst conflicting prejudices, and opposite extravagancies of principle; beset on the one hand with theories, which would not suffer fact or establishment to stand in their way; and on the other hand, with long-established interests, and inveterate habits of thinking, sensitively jealous of any innovation or correction. These contradictory impulses were alike opposed to any practical step that could be taken to forward what all admitted to be expedient, the amelioration of the condition of the negro slave.

The concurrence of the House in the resolutions of last year has considerably narrowed the ground of dispute: I hope I shall not be considered as misrepresenting the collective sense of parliament, and the general feeling of the country, when I describe that sense and feeling to have been an unequivocal abhorrence of Slavery in the abstract; an acknowledgment of the almost hopeless difficulty of curing all its horrors; but a determination, nevertheless, to look the evil in the face, and to endeavour steadfastly to apply to it such remedies as might mitigate, if they were not powerful enough to extinguish it. But the repeated sanctions of the legislature, the settled rights of inheritance, and the various ramifications of property and of interest growing out of them, create impediments which the House are not prepared to sweep at once away, in order that we may have a clear stage for the exhibition of theoretical experiments. I hope, therefore, I do not misrepresent the sense of the House of Commons, when I say, that, in passing the resolutions of last year, there was no general disposition to encourage any thing like a sudden emancipation of the negro; that the House looks forward to the termination of slavery, as the result of a gradual and general improvement in the condition of the slaves, and not as the consequence of an instantaneous proclamation of general freedom. I hope I do not misapprehend the feelings of the House and of the Country in taking their intention to be, that his majesty's ministers should consider not only what may be right in theory, but what will be wise in practice; not only how to do the greatest possible good, but how to do it with the least possible mischief. I hope I may add that, in the opinions of the House and of the Country upon this subject, there is no mixture of hostility or of ill-will towards individuals whose lot is cast in those distant regions, in which the system of slavery exists; regions which, notwithstanding their separation, are subject to the protection of the British Crown, and entitled to the care of the British parliament. While, with a deliberate purpose, and with a steady hand, we are carrying forward, in its due course, an amelioration of the condition of the Slave, I hope and I believe, that we act in obedience to the feelings of the House and the Country, in taking especial care not to drive the plough share over the rights and possessions of our West-Indian fellow subjects.

These, Sir, are the principles on which, his majesty's government have acted; and by these principles, I say, they are desirous to be judged. If there are those who think that enough has not been done, or that more might have been done in the same time, they will now have an opportunity of laying before the House any schemes or propositions of their own. But I think I shall be able to shew, that we wisely made the resolutions of this House the rule of our conduct;—and that, in the mode and in the degree which was contemplated by the House, we have done much for the welfare of the Slave, with the least possible hazard to the interests of his Employer. Amongst all the embarrassments attending the discussion of this question, an obvious one is this, that not a phrase can be uttered upon it by a responsible adviser of the Crown, which is not liable to be seized by one or other of the conflicting parties, and wrested to their own purposes. Now, Sir, I declare in the outset, that, if I know myself, I have considered this question in all its bearings with the most scrupulous impartiality. If I have any partial feeling at all arising from the habits of my early life, it is one strongly favourable to the cause of general abolition. From the time at which I first was honoured with a seat in this House, I have been an humble, but a sincere and zealous labourer in that cause. But although I have always been friendly to the abolition of the slave trade, I, in common as I think with others, the most zealous friends of that abolition, have always kept that question distinct from the one which is now introduced.

I do not mean to say that I should be guilty of any breach of faith, or that I or others who have been equally favourable to the abolition of the slave trade, would be obnoxious to a charge of inconsistency in now avowing the intention of abolishing slavery. But I must be permitted to say, that the most zealous advocates of the abolition of the trade, if they entertained this intention, studiously concealed it: nay, not only concealed, but denied any intention of aiming at an object which was indeed represented by their adversaries as the natural and necessary consequence of the success of abolition. I am sure that I have myself frequently denied in debate that I looked to emancipation as the necessary consequence of the abolition. Am I therefore an enemy to the gradual relaxation of the system of Slavery? God forbid.—If I am asked, whether I am for the permanent existence of slavery in our colonies, I say, No. But if I am asked, whether I am favourable to its immediate abolition, I say, No. And, if I am asked which I would prefer, permanent slavery, or immediate abolition, I do not know whether, under all the perplexing circumstances of the case, I must not say, I would prefer things remaining as they are:—not, God knows! from any love for the existing state of things, but on account of the tremendous responsibility of attempting to mend it by a sudden change.

Happily, however, we are not driven to either of these extremes. Between the two, there is an open debatable ground. By gradual measures, producing gradual improvement, not only may the individual slave be set free, but his very *status* may be ultimately abolished. Such has been the progress of improvement in nations of Europe that once were most barbarous, and are now most polished. But such a consummation is not a measure of single enactment and of instant effect. Much is to be done, and and much is to be forborne, before we can hope to arrive at it. The co-operation of adverse parties and the concurrence of various circumstances are requisite for its accomplishment: and after all, the measure will eventually make its way rather by the light of reason than by the coercion of authority.

The papers, Sir, which I have laid upon your table, consist in part of reports received from some of the West-India colonies, and in part of explanations of the scheme which the government has devised for carrying into operation the views of the House as disclosed in the course of the last Session.

Gentlemen are aware that the colonies are divided into two classes; one of which (the smaller number) are governed by the Crown, without the intervention of local legislative assemblies; the other and larger class have legislative assemblies framed in miniature after the model of those of the mother Country. As such assemblies are not a little jealous of the rights and privileges, by the possession of which they resemble the institutions of the parent state, the colonies of the first class are much the more easily manageable. Experiments may therefore be tried with greater facility in the colonies wholely governed by the Crown; in Trinidad, for instance, in St. Lucie, or in Demerara. I name these colonies in the order in which I conceive the existing state of their laws to be favourable to such an experiment. Trinidad formerly belonged to the Spaniards, whose general slave laws are incomparably the mildest; St. Lucie, to the French, whose code is in the next degree favourable to the slave population; and Demerara, to the Dutch, whose treatment of their slaves is perhaps the least favourable of the three; but whose laws provide nevertheless some institutions for the care and government of the slave population, which may be employed and improved to advantage.

With respect to Trinidad, I cannot omit to observe that about twenty years ago I in this House called the attention of government to that colony, the possession of which was then recently confirmed to us by the peace; and submitted a motion to the effect that Trinidad should not be placed on the same footing as our other colonies by the grant of a legislative constitution; but should be reserved under the unfettered dominion of the Crown, for the purpose of experiments for the amelioration of the condition of the slaves. One part of my proposition was, indeed, that the importation of slaves into Trinidad should be entirely discontinued. In that object I did not succeed; but I cannot forbear to congratulate myself and the House, if that motion of mine, though not altogether successful, has had the effect of keeping Trinidad in a state, in which an example may be set there by the direction of the executive power uncontrollable by any legislative assembly.

The course intended to be pursued with respect to the Island of Trinidad, will be shewn by reference to an order in council, which is to be found among the papers laid on the table.

With the permission of the House, I will state to them shortly the different regulations which that order in council comprises. The House will have the goodness to compare what is there done with the statement which I made last session, of what ought to be done; and I think it will appear that none of the points upon which I dwelt, on that occasion, have been neglected.

In the first place, it is directed by this order in council, that the shocking and unseemly practice of the chastisement of females by the whip, shall be entirely abolished. Here, Sir, it is but justice to say, that the abolition of this punishment has also been recommended by the resolutions of the West-India Body in this Country, in the course of last year. It is also no more than justice to add, that some of the Colonies have adopted, some even anticipated, the recommendation. To raise the weaker sex in self-respect, as well as in the esteem of the stronger, is the first step from barbarism to civilization.

The order in council next abolishes the use of the whip, when applied to males, as a stimulus to labour — that wanton and degrading use of it, which places the Negro slave on a footing with the cattle of the field. The whip is not to be carried into the field by the driver, nor is it to be borne as a symbol of authority. It is not in any case to be employed summarily;—but it is not, as to males, to be laid aside as an instrument of punishment. The House will see that it is quite a different thing, when brandished as a symbol of authority, and applied to the brute nerves of the negro as an incitement to labour: or when used for the infliction of a punishment, of which the reasoning faculties of the slave can appreciate the justice. Even as to males, and as an instrument of punishment the whip is to be employed only under certain regulations, both with respeet to the amount of infliction, and to the time. Delay of punishment for some time after the commission of the offence is the best security against abuse from suddenness of passion. It is further provided that witnesses shall be present at the punishment of a slave; and that all punishments shall be accurately recorded. These alterations at once raise the mass of the negro population from the brute state to that of man.

To provide the means of religious instruction and worship is an object first indeed in importance, but necessarily subsequent in order to those which I have already mentioned; because it is not till the Slave population are raised in the scale of nature that they can be capable of comprehending, or fitted to receive, the blessings of Christianity. It is intended to increase the amount, and widen the basis of the Ecclesiastical Establishment in the West Indies. That Establishment was founded for the benefit of the White Population alone. It was no more calculated for the Negro than for the brute animal that shares his toils. I am not stating this as a matter of charge, but as a matter of fact. This Establishment, though founded on the principles of the National Church, will not exclude other denominations of Christians. The authority and the discipline of the national church will be lodged in Bishops, to be resident in the Colonies. With religious worship will be combined religious instruction. It is not my business on the present occasion to trouble the House with details: but here, again, I am bound to do justice to the West-India body in this country, who have declared their anxiety for the institution of religious instruction, and to more than one of the colonies which have already acted upon that declaration.

Sir, after religious worship and religious instruction naturally come those charities of life, which religion promotes and sanctifies. The order in council enjoins the local government of Trinidad to encourage marriage. This injunction, I am again bound to say, and I do so with much satisfaction, is in perfect consonance with the recommendation of the persons most interested in the colonies, who reside in this country, and has also received a ready assent in many of the colonies. In consideration of marriage, and of the other charities of life, which grow out of that connexion, it is provided by the order in council, that in all future sales—I fear that I must still use that word—families shall not be separated. In transferring slaves from one property to another, care will be taken in future that husband and wife, or reputed husband and wife, and parent and child, shall not be severed from each other.

The influence of family ties will naturally beget in the mind of the slave an increased desire of property. The order in council gives the security of law to that possession of property which is at present respected by custom; and enjoins that measures shall be taken to secure to the slave the power of bequeathing it at his death. In aid of these provisions it has been thought advisable (however singular it may appear, that a very late invention of a country far advanced in civilization, should be supposed capable of taking root in a rude society like that of the West Indies),—it has been thought advisable, I say, to institute a Bank, in which the little savings of slaves may be accumulated. To the right of enjoyment, and to the power of bequest, secured by law, will be thus added the further security derived from the over-watching eye of public observation.

Sir, when, by measures of this kind, new ideas are infused into the mind of the negro,—when he is lifted from a level with the beast of the field,—when he has been allowed to take his stand amongst the human race—

> "Cœlumque tueri
> Jussus, et erectos ad sidera tollere vultus;"—

when he has been taught to appreciate the endearments of family connexions, the ties of kindred, and the blessings of property,—when his nature, as well as his condition, has been thus improved,—then comes the fit opportunity for considering a subject, which is surrounded by many practical difficulties—the admissibility of the evidence of slaves in courts of justice.

It would be as wild to say, that the evidence of slaves should be indiscriminately admitted in all cases, as it would be unjust to exclude it in all cases. In this country, a person in the situation of a slave—I do not mean politically, but morally—an infant, whose mind is not sufficiently expanded to be able to estimate the obligation of an oath, is not permitted to give evidence. It is first ascertained, by examination, that the mind of the infant is in fact so matured, as to be capable of comprehending that obligation. It would be improper to admit the evidence of Blacks without a similar guard. It is proposed, therefore, that those persons who are to have the care of instructing the negroes should have power to certify, not with respect to a particular case in which the evidence of a slave may be wanted, but generally, that such and such slaves have made such advances in civilization as to be cognizant of the nature of an oath. It is proposed, that a register of such slaves shall be kept, constituting as it were a privileged class, and presenting (what is the spring of all human action) something like an object of ambition to their fellow-slaves. Under this arrangement, the competency of a slave to give evidence will not be judged by subjecting him at the moment—to an examination, probing his intellect to the quick, by questions which he may not be able to comprehend: but it will be known at once, when any individual slave is proposed as a witness on a trial, whether he is one of that class whose evidence has been certified to be admissible. It is just to state, that under certain qualifications, the evidence of slaves is already admitted in the courts of justice of Dominica, Grenada, St. Vincent's, and I believe St. Christopher's, and Tobago.

A natural consequence of the determination to impart religious instruction to the slaves, will be the abolition of Sunday markets, and of Sunday labour. The order in council prescribes this abolition, so soon as the means of religious worship shall be established. It prescribes immediately a restriction of the Sunday market, within certain hours—ultimately, as I have said, its total abolition. In some of the colonies this regulation is already partially anticipated.

By this process, and by these degrees may the slave be gradually fitted for the last grand consummation of benefit, the power of acquiring his freedom. Heretofore the restraints on granting manumissions were extremely numerous: but these are now considerably reduced; several taxes and imposts have been removed in different colonies; and in others, a like disposition has been manifested. The order in council, however, goes beyond what has been hitherto at all generally practised in the colonies. It ordains that a negro, who has acquired sufficient property, shall, under certain guards and regulations, therein set forth, be intitled to purchase his own freedom, the freedom of his wife, or that of his children.

I have thus, Sir, stated to the House, the provisions of the order in council. I know, that, with respect to the last point, namely, the purchase of freedom, great prejudice, great dislike, great apprehension, prevails. I am far from saying that it is not a perplexing question: but the principle has been admitted to a certain extent in St. Kitt's, and also in Trinidad. No principle can be considered as impracticable, which has, even in a single instance, been voluntarily admitted in the West Indies. It is astonishing how much good might be done by merely collecting, and bringing to bear on one society, all the beneficial regulations which are scattered through the different colonies. I admit on the one hand, that the existence of such beneficial regulations affords an answer to the general declamation which has been heard about the total neglect and abandonment of the negroes by West-Indian governments and proprietors: but I must on the other hand contend, that the people of this country, who, on account of their distance from the colonies, are compelled to look at them through the eyes of others, are entitled to consider as good authority for any improvement of which they recommend the introduction, the fact, that what they wish to recommend has been by any one West-Indian community already voluntarily adopted.

I will now recapitulate the improvements which government propose to effect in the island of Trinidad:—First, Abolition of the use of the whip with regard to females entirely—discontinuance of the use of the whip as applied to males as a stimulus to labour—restrictions on the infliction on males of punishment by the whip. Secondly, A religious establishment and religious instruction;—and in order to give time for the acquirement of that instruction, the abolition of the markets and of slave labour on the Sunday. Thirdly, encouragement of marriage among the slaves—the keeping together of families of slaves, in sales or transfers of estates; the securing to slaves the enjoyment of property, and the right to distribute it at their death. Fourthly, The admissibility of the evidence of slaves under certain regulations; and lastly, a power to the slave to purchase his own freedom or that of his wife or children. These are the chief objects of the order in council. Such is the example which the government are disposed to set in the island of Trinidad; and it is hoped that other colonies will follow an example so set, without the apprehension of danger.

I am aware that whilst with respect to the last point alluded to in the order in council—the power to be given to slaves to purchase their own freedom, or that of their wives or children—government has gone beyond the general assent of the West-India body, they have fallen very short of the desires of some excellent and honourable persons. I know very well that the hon. gentleman opposite (Mr. Buxton), last year stated, that he was disposed to go a shorter way to work, and to enact the emancipation of a particular generation of slaves. Sir, in the interval which has elapsed since the debate of last May, I have turned that matter in my mind with the most painful anxiety; and I feel bound to declare, that with the most sincere desire to come to the conclusion most favourable to the cause of humanity, I cannot concur in the hon. member's proposition. If it were carried into effect, it would, in my opinion, be productive of the greatest injury, not only to the white population, but also to the Blacks themselves—[Mr. Buxton here observed across the table, that he only proposed to emancipate the children of the existing slaves, not the slaves themselves].

The hon. gentleman is not prepared to grant emancipation to the existing generation of slaves. Certainly not. To let in the full light of freedom on eyes scarcely unsealed, eyes from which the scales of bondage have not yet been purged away, would indeed be a perilous experiment. But would it not be scarcely less unwise to hold out the hope of emancipation to the next generation of negroes? The slave would view the freedom which was thus placed in prospect before him, as an infant views any object of desire, without the faculty of calculating the distance which separates him from it. To hold out the prospect, for a future generation might create dissatisfaction in the present race of slaves, and render their actual existence intolerable.

The course which the government proposes to pursue is, to arrive at the liberation of the child through the instrumentality of the parent. Enable the negro to purchase his own freedom, enable him equally to purchase that of his offspring, whenever he shall have acquired the means of doing so; and the option between himself and his child being left to his own feelings, how probable is it that those feelings may lead him to prefer the liberation of his child! On the contrary, if we were to take the rising generation of slaves, or those hereafter to be born, under the special protection of the legislature, as proposed by the hon. member, parents might perhaps be tempted to look upon their offspring, with feelings, I will not say of envy, but with feelings far other than those of unmixed satisfaction, with which a parent ought to contemplate the happiness and prosperity of his child.

Immediate emancipation to the negro himself, I am most happy to hear the hon. gentleman disclaim. It would indeed be a fatal gift. To be safely enjoyed it must be gradually and diligently earned. "Haud facilem esse viam voluit," is the condition under which it has pleased divine Providence that all the valuable objects of human aspiration should be attained. This condition is the legitimate stimulant of laudable industry, and the best corrective of ambitious desire. No effort of an individual, and no enactment of a legislature can relieve human nature from the operation of this condition. To attempt to shorten the road between desire and attainment is nine times out of ten to go astray, and to miss the wished-for object altogether. I am fully persuaded that freedom, when acquired under the regulations prescribed by government, will be a more delightful as well as a more safe and more stable possession than if it were bestowed by a sudden acclamation.

In dealing with the negro, Sir, we must remember that we are dealing with a being possessing the form and strength of a man, but the intellect only of a child. To turn him loose in the manhood of his physical strength, in the maturity of his physical passions, but in the infancy of his uninstructed reason, would be to raise up a creature resembling the splendid fiction of a recent romance; the hero of which constructs a human form, with all the corporeal capabilities of man, and with the thews and sinews of a giant; but being unable to impart to the work of his hands a perception of right and wrong, he finds too late that he has only created a more than mortal power of doing mischief, and himself recoils from the monster which he has made.

Such would be the effect of a sudden emancipation, before the negro was prepared for the enjoyment of well-regulated liberty. I, therefore, Sir, would proceed gradually, because I would proceed safely. I know that the impulse of enthusiasm would carry us much faster than I am prepared to go; I know it is objected that all this preparation will take time. Take time, Sir! To be sure it will; to be sure it should; to be sure it must! Time, Sir!—why,—what is it we have to deal with? Is it with an evil of yesterday's origin? with a thing which has grown up in our time—of which we have watched the growth—measured the extent, and which we have ascertained the means of correcting or controlling? No; we have to deal with an evil which is the growth of centuries, and of tens of centuries; which is almost coeval with the Deluge; which has existed under different modifications since man was man. Do gentlemen, in their passion for legislation, think that after only thirty years' discussion, they can now at once manage as they will, the most unmanageable, perhaps, of all subjects? or do we forget, Sir, that in fact not more than thirty years have elapsed, since we first presumed to approach even the outworks of this great question? Do we, in the ardour of our nascent reformation, forget that during the ages for which this system has existed, no preceding generation of legislators has ventured to touch it with a reforming hand? and have we the vanity to flatter ourselves that we can annihilate it at a blow? No, Sir, no:—we must be contented to proceed, as I have already said, gradually and cautiously; and what I have now laid before the House, is I flatter myself, sufficient for the first step in a process which will widen and strengthen as it goes.

It is the intention of the government, Sir, after having established the system which I have explained, in Trinidad, to extend it to the other colonies in which the power of the Crown is unshackled. The same instructions which have been sent to Trinidad, are to be forwarded to St. Lucie; the only difference will be, that as in Trinidad they are grafted on the Spanish law, in St. Lucie the machinery of the French law will be employed for carrying them into operation. It is intended also to extend the experiment to Demerara and its dependencies: where indeed, it would have been first tried, but for the intervention of the unfortunate occurrences which have lately taken place in that colony.

I shall be asked what is likely to be the effect produced by the adoption of these measures in Trinidad, St. Lucie, and Demerara, upon the other West-India colonies which have legislatures of their own, and by many of which the communication of the wishes and intentions of parliament has certainly been received with a spirit any thing but conciliatory. I shall be asked what are the intentions of the government, as to those colonies; by what means it is intended to bring them to reason, and to induce them to adopt the views and second the determinations of parliament?

Sir, if it were possible for me on a question involving so many important interests, so many perplexing considerations, and so many contingencies requiring to be calculated with the utmost coolness and deliberation; if it were possible to indulge, on such an occasion, any personal feeling of irritation at the manner in which his majesty's government, and among them, myself, as a member of that government, have been treated by some of the West-India assemblies, I might be tempted to resort to measures of reprehension and coercion. But, Sir, I can assure the House that I am actuated by no such feeling; and that I am not inclined to resort to any such measures. On the contrary, I should consider it most unwise and most unbecoming to do so. In the ebullition of anger (for I will call it nothing more), observable in the proceedings of some of the legislative assemblies, I see much to blame, indeed,—much to excuse—something to pity, but nothing to punish. Nothing I am aware would be easier than to put an end to the dispute at once, by overwhelming power; but I see no necessity, and I am sure I feel no inclination, for such a proceeding. If, indeed, there were any thing like an equality of strength between the legislature of this mighty kingdom, and the colonial assemblies, as was the case in a struggle in which this country was heretofore engaged with her colonies, then might parliament, roused by insult as well as opposition to a feeling of exasperated dignity, denounce vengeance against Jamaica. But as I do not mean the thing, I will not use the language.

There are three possible modes in which parliament might deal with the people of Jamaica: First, as I have said, it might crush them by the application of direct force;—Secondly, it might harass them by fiscal regulations, and enactments restraining their navigation; and, thirdly, it may pursue the slow and silent course of temperate, but authoritative, admonition. Now, Mr. Speaker, if I am asked which course I would advise, I am for first trying that which I have last mentioned; I trust we shall never be driven to the second; and with respect to the first, I will only now say that no feeling of wounded pride, no motive of questionable expediency, nothing short of real and demonstrable necessity, shall induce me to moot the awful question of the transcendental power of parliament over every dependency of the British Crown. That transcendental power is an *arcanum* of empire, which ought to be kept back within the *penetralia* of the constitution. It exists, but it should be veiled. It should not be produced upon trifling occasions, or in cases of petty refractoriness and temporary misconduct. It should be brought forward only in the utmost extremity of the state, where other remedies have failed to stay the raging of some moral or political pestilence.—Undoubtedly, Sir, it would be easy to select passages from the Jamaica gazettes, which according to all legitimate inferences of reasoning, ought to put parliament in a towering passion: but I must confess that upon a moment's reflection, I find my indignation restrained by consideration of the powerlessness of the body from whom the offence comes, compared with the omnipotence of that to which it is offered. The consciousness of superior strength disarms the spirit of resentment. I could revenge but I would much rather reclaim. I prefer that moral self-restraint so beautifully expressed by the poet, when he represents Neptune as allaying the wild waters, instead of rebuking the winds which had put them in a roar.

"Quos ego--sed motos præstat componere fluctus."

If there be any gentleman in the Jamaica house of assembly, who meditates the acquisition of fame and popularity by opposing what he pleases to call the encroachments of the mother country, and who is preparing himself for his contemplated career, by conning over the speeches of Washington and Franklin, we shall act most judiciously, by taking from him all lofty grounds of quarrel; by disappointing his patriotic ardour of contentious topics of inflammation; and by leaving him to found his insurrection, if insurrection he will have, on an abstract admiration of the cart-whip, and on a resolute claim of his free-born right to use that instrument at his pleasure.

I am convinced, Sir, that unless Parliament should injudiciously supply fuel to the flame, this unprovoked ardour will gradually expire. When the patriots discover that no Parliamentary Commissioner is coming out to control them—that no army is on its way to subdue them—no navy to blockade their ports—they will have leisure and temper to reflect calmly on what has passed; and finding no just cause of offence and no plea for crying out against oppression, they will, I doubt not, at no distant time, be convinced of the reasonableness of the measures recommended to their adoption, and will prepare themselves to act, by their own power and discretion, consonantly to the wishes of this House.

Indeed, Sir, situated as Jamaica is, between warnings and examples, having St. Domingo on the one side, and Columbia on the other, with Trinidad, St. Lucie, and Demerara almost in her view, I cannot believe that she will long hold out in her resistance. I cannot believe that much time will elapse before we shall learn that the planter of Jamaica is anxiously employed in emulating the endeavours of the government in Trinidad, to improve the condition of his Negroes.

In the full assurance that this will be the case, so far from entertaining any hostile feeling towards those who have been so liberal of their comments upon us, the government is most anxious that Jamaica should participate to the fullest extent in all the advantages likely to result from the proposed regulations. One of the Episcopal Establishments is intended to be fixed at Jamaica; the other in the Leeward Islands.

For the support of these Establishments it will not be necessary, for a time at least, that any demand should be made on the finances of the Islands. I will not now enter into any detailed calculations upon this head, which do not indeed come properly within this general view of the question; but I will merely express my hope, that for the first two years the expenses of these Episcopal Establishments will not exceed the amount of the interest of that sum which my right hon. friend has proposed to appropriate to the erection of new churches in this country. Two years will probably elapse before any portion of that fund will be required for the purposes for which it is ultimately intended. There is another fund also which may hereafter, when gradually relieved of the burthens which now exist upon it, be applied to the purposes of the proposed establishment, I mean the four-and-a-half-per-cent, or Leeward Islands' Fund. I am authorized to state the disposition of the Crown to refrain from granting any further pensions out of this fund, until the burthens now upon it shall have been so far reduced, as to set free a portion of it, applicable to the West-Indian Episcopal Establishment.

Sir, I have now nearly done. Being desirous of putting the House generally in possession of the principle and plan upon which the government proposes to act, without exciting angry feelings on any side, I shall carefully and studiously abstain from all unnecessary reflections upon this important and painful subject; important from the extent of the interests which it embraces, and painful inasmuch as it involves the consideration of the lot of so large a portion of our fellow creatures, whose present state in society cannot be contemplated without the deepest feelings of commiseration. On the other hand, however, it is a question full of hope, seeing that the attention of parliament and of the country has been directed to the subject; and seeing that there exists on all hands a wish and determination to apply remedies to the evil, not indeed with an indiscreet haste which would rather injure than benefit those whose welfare we are anxious to promote, but with a temperate and well-considered zeal.

As one of the best modes of forwarding our object, I would most earnestly conjure those hon. gentlemen both on one side of the House and the other, who may take part in this discussion, whether from motives of personal interest, or from motives still more powerful than any considerations of interest, to refrain from exaggerated statements, from highly-coloured pictures of individual suffering, which can have no other effect than to exasperate discussion into animosity. I intreat gentlemen to reflect that any conflict on this subject in this House will not be merely a war of words. If this night's debate should be angry and intemperate, the inferences drawn from it elsewhere will be fatal to the peace of the colonies. False hopes will be excited among the slaves; a spirit of resistance will be engendered among the planters; improvement in the lot of the negro will thus be placed at a greater distance than ever; and the lives and properties of the white population of the colonies will be placed in hazard and jeopardy.

I intreat hon. gentlemen particularly to bear in mind, that in the discussion of this question in this place, we have, as if by tacit agreement, spoken generally of slavery and of a Slave Population without adverting to one essential characteristic, which distinguishes the slavery of the West Indies from all others—I mean that physical alienation which arises from the indelible difference of colour. We who live not on the spot can conceive but a faint idea of the nature of this alienation. But let it not be forgotten that our debates are read with avidity in the colonies by the different classes, in which this principle is working with full force.

No gentleman comes into this House to take part in this question, who is not some way or other, more or less connected with individuals whose all is involved in the discussion. Let us recollect what prodigious ruin one unguarded expression, dropt in the heat of debate, may occasion to those whom we would not willingly injure—while it is at the same time clear, that the most ardent and enthusiastic eloquence cannot hasten the enjoyment of freedom by those who are not yet in a fit state to receive the boon.

If we are to do good (which I earnestly hope and sincerely believe we may), it is not to be done by sudden and violent measures—but by efforts of a patient and comparatively tame character; by measures slow in their progress, but steady and sure in their operation; measures which must be carried into effect not by a few individuals of rare talents, and conspicuous zeal; but by the great body of those whom the advocates of the negro distrust and seem disposed to put aside.

Yes, Sir, if the condition of the slave is to be improved, that improvement must be introduced through the medium of his master. The masters are the instruments through whom, and by whom, you must act upon the slave population:—and if by any proceedings of ours we shall unhappily place between the slave and his master the barrier of insurmountable hostility, we shall at once put an end to the best chance of emancipation or even of amendment. Instead of diffusing gradually over those dark regions a pure and salutary light, we may at once kindle a flame only to be quenched in blood.

I am not aware, Sir, that it is necessary for me to detain the House by entering more into detail, nor will I be induced to sin against my own precept by diverging into general observations. I therefore here take my leave of the existing state of the Negro Population.

Connected, however, with that state from which we are endeavouring gradually to rescue so large a portion of our fellow-creatures, is (as I have stated at the outset of my speech) the consideration of the inhuman traffic by which they were brought into their present condition; and for the total abolition of which, so far as regards this country and her colonies, the friends of humanity are indebted to the exertions of my hon. friend opposite (Mr. Wilbeforce). I am convinced that the slave trade is entirely and effectually abolished with respect to our colonies. I know that other persons entertain a different opinion; but after the most anxious inquiries on the subject, I feel perfectly confident that with respect to the British West-India Islands, the prohibition against the introduction of slaves is sacredly observed. It is nevertheless, true that the introduction of slaves into foreign colonies continues to an enormous extent. All the efforts of this country to procure the active co-operation of other powers to put down the traffic in slaves has been ineffectual. Among the plans which have been suggested for that purpose, it has been frequently suggested that all persons guilty of slave-trading should be rendered obnoxious to capture, not only by the vessels of their own country, but by those of every other power—in other words, that the slave trade should be declared piracy. A good deal of misapprehension, however, prevails upon this point.

It has been supposed by some persons, that a congress of sovereigns—the congress of Verona for instance—might have taken upon itself to declare slave-trading a piratical offence, and thereby to make the individuals engaged in it amenable to an universal inter-national law. This is a complete mistake. England must surely be the last country in the world to admit that any congress of sovereigns could constitute a law, universal in its operation on states not party to its enactment. The only way in which this desirable object could be obtained would be, that every nation should for itself declare slave-trading to be a piratical offence in its own subjects. We have in the law of England many statutable piracies. But, supposing such a law passed here in respect to the slave trade, the effect upon the foreign slave trade would be nothing, unless we could persuade other nations each to pass the like law, and all to co-operate for its general execution. Now, we have more than once proposed both to the government of France, and to that of the United States, to give reciprocally by treaty, a right of mutual visit and seacrh in all cases of suspected slave-trading. When it is considered how many delicate points of national pride, of maritime law and maritime right are touched by such a proposition, the House will not be surprised that it has been by no means cordially received. By France it has been more than once rejected altogether. But it is with no small feeling of gratification that I am now enabled to state to the House that many days have not elapsed since a treaty was signed on the part of this country by my right hon. friend near me, the president of the board of trade, and a right hon. relation of mine, his majesty's minister to the United States of America, and on the part of the United States by the American minister in London, by which treaty Great Britain and the government of the United States concede mutually to each other, under certain regulations and restrictions, this long-sought right of visit.

This treaty authorizes the men-of-war of either nation to detain the merchant vessels of the other, if suspected of being engaged in slave-trading: provided, that both countries shall have previously adopted the same law respecting that crime, by constituting it by law a *piracy*. The House is probably aware that the legislature of the United States has already passed a law to this effect. It is my intention to-night to propose, with the leave of the House, to bring in a bill for the like purpose. Should that bill pass, the navies of Great Britain and of the United States will henceforth act in co-operation, to extirpate, so far as regards their two countries, this abominable traffic altogether.

The present is not the most convenient time for entering into a detail of the provisions of the treaty; but those who recollect the difficulties which have hitherto obstructed the completion of any such agreement, must rejoice to find that all these difficulties have been adjusted. There are on both sides points of dignity reserved: and care has been taken to preserve the general boundaries of maritime law: but upon the question of the slave trade, the powers reciprocally given are ample, and I trust will be found effectual. Each country reserves the administration of its own national law for the punishment of its own subjects: but the right of capture is common to both. For instance, if an American man-of-war should capture a British slave-trader (and God forbid she should not, if such an one could be found), or, vice versa, a British man-of-war an American slave-trader—the captured vessel is to be remitted to the nearest ship of war of its own nation, or to its nearest native maritime port, for adjudication:—each country thus aiding the other in detecting the crime; but each judging its own subjects. I trust that the realization of this arrangement between the contracting parties will not be the limit of its beneficial operation: for when the two greatest maritime nations in the world—the two nations, I mean, who by the extent of their commercial navies expose the widest surface to the operation of this new law—so far compromise their maritime pride, and subdue their deeply-rooted prejudices, as to submit themselves to each other's vigilance and inquiry; it surely may be hoped that in any future discussions for the universal abolition of the slave trade, the joint representations of Great Britain and America may be employed with peculiar force and grace and consistency, to induce other nations to lay aside all feelings of repugnance which may stand in the way of their accession to so truly virtuous and beneficent a confederacy.

Sir, it only remains for me to thank the House for the patient indulgence with which they have listened to me; and to conclude with moving "For leave to bring in a bill for the more effectual Suppression of the African Slave-trade."

Mr. *Fowell Buxton* rose, and addressed the House nearly as follows:—

Mr. Speaker;—In rising to express my sentiments upon the subject of the communications which we have just received, I think I cannot do better than to draw at once the broad line of distinction which presents itself to my mind. My feelings are not only different, but totally opposite, on several parts of that statement. To one part I can give my ready and cordial approbation: whilst I have listened to another, and that unfortunately—delicately as it was handled, and rapidly as it was dismissed—by far the most important portion, with no other feelings than those of pain and disappointment.

The first question to which I would address myself is this—are we so bound, either by the reason of the case, or by positive engagement, as to be debarred from discussion this night? Last session, his majesty's government took the subject of the West Indies under their own direction; and we cheerfully consented to its surrender, having obtained a distinct pledge from government, that the condition of the slave population should be ameliorated. The pledge stands thus:—

"That it is expedient to adopt effectual and decisive measures for ameliorating the condition of the slave population in his majesty's colonies:

"That through a determined and persevering, but at the same time judicious and temperate, enforcement of such measures, this House looks forward to a progressive improvement in the character of the slave population, such as may prepare them for a participation in those civil rights and privileges, which are enjoyed by the other classes of his majesty's subjects:

"That this House is anxious for the accomplishment of this purpose, at the earliest period that may be compatible with the well-being of the slaves, the safety of the colonies, and with a fair and equitable consideration of the interests of all parties concerned therein."

Such, Sir, was the pledge; and when it was suggested to the right hon. gentleman, that the colonial legislatures might not consent, he replied, that "he thought they would; but if not, if any resistance should be manifested to the expressed and declared wish of parliament, any resistance, I mean, which should partake, not of reason but of contumacy, it would create a case—a case, however, which I trust will never occur—upon which his majesty's government would not hesitate to come down to parliament for counsel."

I intreat the House to consider, how full and comprehensive this pledge is. It includes all the colonies. It makes no difference between such as have, and such as have not, colonial legislatures. It draws no nice and refined distinctions, such as we have heard this night, between the better government of Trinidad, the middling of St. Lucie, and the worst of Demerara. It promises amelioration. To what extent? To all the slaves in all the colonies. What kind of amelioration? Determined and effectual: such as shall lead to the extinction of slavery: for a participation in those civil rights and privileges which are enjoyed by the other classes of his majesty's subjects, is, in other words, deliverance from slavery. And when? At the earliest period compatible with the well-being of the slaves, the safety of the colonies, and a fair and equitable consideration of the interests of all parties concerned therein.

Could I interpret the speech of the right hon. gentleman into a recognition of this pledge, and a declaration that his majesty's government were determined that it should—that every part of it should—be substantially fulfilled—could I indulge the flattering expectation, that the accomplishment of our hopes and the fulfilment of this pledge was delayed indeed, but not a tittle of it abandoned—then should I consider, that we were bound to abstain from discussion. And, if the right hon. gentleman will now give me to understand, that government will not suffer that pledge—nor any part of that pledge—to be infringed; that the promise—the whole promise—is sacred, and shall, if not to its very letter, in its full spirit be fulfilled, he imposes silence upon me. But, Sir, if I am to learn, that the engagement given as to all the colonies, is to be frittered down, at present at least, to a single island;—if the advantages promised are to be granted indeed to the thirty-thousand slaves of Trinidad, but withheld from the three-hundred-and-fifty-thousand in Jamaica, and the seventy-thousand in Barbadoes;—if the "earliest period" is construed to mean some time undefined, and so distant, that no man can say in what century it will take place;—if our pledge to do this is now to mean no more than that we will suffer it to be done, by the slow and gradual course of admonition and example—then, I see no reason why ten centuries may not elapse, before the negroes are freed from their present state of melancholy and deplorable thraldom! And then I do say, that we who have engaged in the cause are bound by every conceivable motive—by every prudential consideration—to demand the fulfilment of the pledge given to seven hundred thousand of our fellow creatures—not in words, indeed—but virtually and in fact; and, to my mind, to be observed the more sacredly, because they have not the means, either of compelling its enforcement, or of complaining of its violation. We, at least, will be no parties to such a desertion of duty—to such a breach of faith.

Now, Sir, as to the Order in Council. That order merits, as I think, the full and cordial approbation of all those who are interested in the welfare of the Negroes. There may be—I would guard myself so far—minute details and particulars, which, upon close examination, and when the documents shall be before us, may seem to admit of improvement. But, I do not hesitate to say, that its general principles are sound and just; and no difference of opinion as to minor points, nor the positive objection I feel to the course which is to be pursued towards the colonies which have legislatures of their own, shall induce me to withhold my acknowledgement, that, so far as the order in council is to extend, so far the right hon. gentleman has faithfully fulfilled the pledge which, at his solicitation, parliament gave during the last session.

I shall now endeavour to follow the right hon. gentleman, and take the heads of his statement, in the order in which he has submitted them to the House.

First, as to the Flogging of Females. That practice is to be abolished in Trinidad. So far I rejoice. At present, a female slave, the mother or the wife of a negro, may, in the presence of her son or her husband, be stripped naked, stretched upon the earth, and cart-whipped [Loud cries of No! no!]—I request gentlemen to wait, until the fit opportunity arrives for reply and contradiction, if I am wrong. I well know the difficult situation in which I stand. No man is more aware than I am, of my inability to follow the brilliant and able speech which has just been delivered. But, I have a duty to perform; and I will perform it. I know well what I incur by this. I know how I call down upon myself the violent animosity of an exasperated and most powerful party. I know how reproaches have rung in my ears, since that pledge was given; and how they ring with ten-fold fury, now that I call for its fulfilment. Let them ring! Rather than I will purchase a base indemnity for myself, with this sting on my conscience. You ventured to agitate the question. A pledge was obtained. You were therefore, in some sort, to be considered the holder of that pledge, to which the hopes of half a million of people were linked. And then, fearful of a little unpopularity, and confounded by the dazzling eloquence of the right hon. gentleman, you sat still—you held your peace, and were satisfied to see his pledge, in favour of a whole Archipelago, reduced to a single island.

I repeat, then, that by law of the West-India Islands, a female may be stripped naked, stretched upon the earth, held down by four negroes, in the presence of her father, her husband, or son; in the presence of a whole gang; and cart-whipped by a fifth. This practice is to be abolished. Prevailing throughout the West Indies, it is to be abolished in Trinidad.

The right hon. gentleman has told us, that in raising any class of persons from a servile to a civil condition, the first step towards improvement is an observance of the difference of sex. I need not say I admit this. Can it be expected, that any thing like decency, or modesty, or conjugal fidelity—that any one of that large class of virtues, without which there is no female virtue—and without female virtue, there is no virtue at all—can we hope that these will be displayed in a country, where the women may be publicly stripped, and shamelessly punished with the cart-whip? Is it to be expected, for example, that a young negro female will be chaste, and reserved, and exercise self-respect, when she may, at any moment, be flogged before a gang of men? We have been told, that licentiousness is the characteristic of the negro; and that has sometimes been used as an argument against us. It has been said, "can you hope to raise to the level of yourselves, a class of persons so gross, so licentious, so destitute of decency, as the negro females generally are? It is impossible." I admit it. It is impossible, so long as this exposure is permitted. And I fully concur with the right hon. gentleman—if you mean to improve the character of the negro, this is your first step. This is to be done in Trinidad. But then comes the painful reflection. This first step towards improvement is not to extend throughout the West Indies. The practice, "unseemly and shocking," as the right hon. gentleman terms it, of flogging females, is to be prohibited in the Colonies immediately under the Crown. Is the practice less unseemly, and less shocking in Jamaica, or in the other Islands which have colonial assemblies? [Mr. Canning here said across the table, that this regulation was also to include Demerara and Berbice]—I am aware of it. They are ultimately to feel the benefit of the change; and so are all the rest of the Islands, at the proper time. But, who shall say when that "proper time" shall arrive?

The right hon. gentleman, indeed, indulges sanguine hopes, that our views and feelings, with respect to slavery, will be adopted by the West-India Planters. I should be glad to know, where the right hon. gentleman has gathered the hopes in which he indulges of their ultimate acquiescence—where he gathers any thing like an intimation of any thing like a disposition, on the part of the planters, either to embrace the views, or to yield to the wishes, of the English nation.

Let us see how this proposition to abolish the use of the cart-whip upon females was received in Jamaica. It was furiously and scornfully rejected. The planters assumed the tone of an injured, insulted, and resolute people. How was it received in Barbadoes?—Barbadoes, which, I have heard, boasts her superiority to the other Islands—which has taken the title of "Little England"—and where the number of planters educated in England have introduced a remarkable congeniality with the English feelings and manners? Gentlemen have probably read Mr. Hampden's speech. I speak of that speech with respect; because, contrasted with some other publications, it is liberal in principle, and moderate in language; and it appears to be the work of an intelligent and well-educated gentleman. Mr. Hampden does us the honour to concur in most of the propositions which we last year made. Mr. Hampden is a friend to the religious instruction of the slave—provided this country will pay the expense of it. He recommends the abolition of Sunday markets, and the removal of fines on manumission. He goes further even than we go, on the subject of negro evidence. His local knowledge, and practical experience, enable him to say that that evidence might be admitted without danger or detriment. Then he comes to the question of flogging females. There he loses his temper. He contends, that this proposition shews lord Bathurst to be a bitter enemy of the colonies. After proceeding in this strain, at a considerable length, he relaxes into better humour, and indulges in some very pleasant jokes on the subject of cart-whipping naked females. He says, that that practice may shock our notions of gallantry, but that the black ladies have rather a tendency to an Amazonian cast of character, and that their husbands would be extremely sorry if they were put beyond the reach of the cart-whip. When I read this sportive passage, my mind naturally reverted to the authentic records, which have been printed by the order of the House; and there I find damning proof of the terrible excess to which this practice has been carried.

It is painful to me to state, and will doubtless be as painful to the House to hear, these sad details. I shall confine myself only to those which have occurred within the last seven or eight years.

The first case I shall refer to is the case of Mr. Edward Huggins—not the celebrated case of Mr. Huggins, who, himself a magistrate, in the presence of other magistrates, and in the public market-place of Nevis, in the year 1810, inflicted on one negro 115 lashes; on another 65; on another 47; on another 165; on another 242; on another 212; on another 181; on another 59; on another 187; on a negro woman 110; on another woman 58; on another woman 97; on another woman 212; on another woman 291; on another woman 83; on another woman 49; on another woman 68; on another woman 89; and on another woman 56—for which treatment the following whimsical reason was assigned by his son—"he conceived that moderate measures, steadily pursued, were most likely to produce obedience." But, the case to which I refer, is of a more recent date. It occurred in the year 1817, and is to be found in the papers printed by order of this House on the 13th of April, 1818.

It appears, by those papers, that an offence had been committed, for which Mr. Huggins inflicted punishment upon two male negroes. "Richard," says the witness, "was laid down and flogged with a cart-whip. I reckoned ninety lashes while I was there. I then left the place, and went up stairs. During that time the flogging continued; and, after I had gone up the stairs, which are a considerable flight of steps, and gone to a window, three lashes more were given. To the best of my knowledge, he received altogether a hundred lashes. David was then laid down and flogged. During the punishment of David, I was up stairs. He received eighty lashes with a cart-whip, from the same driver. William Nolan, the thief, was then laid down, and received from twenty-five to thirty lashes. He had been flogged the preceding day by me, and had received about the same number of lashes. Mr. Huggins then called out, 'bring out the ladies that are crying,!' 'He then pointed out a woman named Thisbe. She was laid down, and had twenty-two or twenty-three lashes. Mr. Huggins then said, 'there were some more;' and the driver pointed to another woman named Cressy. She was laid down and received about twenty lashes. After which, Mr. Huggins said, 'cry now!' Thisbe said, 'I did not cry, sir'! During the punishment of the negroes, he observed the driver relax in his exertions, when Mr. Huggins said 'you damned rascal, did not I order you to flog him?" The witness further states, that this threat was once or twice repeated by Mr. Huggins—that the driver appeared alarmed, and at one time put his hand to his hat and said, "do, sir; do, Mr. Huggins; that's enough!"

Here, then, Sir, is a female publicly flogged. What was her grave offence? The witness says, "I believe Thisbe did beg Mr. Huggins to forgive Richard. She was sitting down with her apron over her face: her crying was natural." Natural, indeed! for the two men flogged were her brothers and the negro who used the instrument of punishment, was the father of the victims!

Mr. Huggins declares, that he was ignorant of this relationship. But, to what must that ignorance be ascribed? To this: that he inflicted punishment without inquiry, under the impulse of his passions.

The next case is that of the negress "America." "She was" says the Reverend Mr. Wray, "a soft, inoffensive, good-working creature. Her crime was this. She had a little girl in the manager's house, who was formerly in our school. The manager's wife had put the churn at the creek's side. Somehow or other it got away, and was probably carried down by the tide. The child was blamed for letting it go, and the mistress had her severely punished with a tough bush rope. America came to the house when she heard of it—not to find fault with the woman, but to reprove her child, and to talk to her. The manager's wife got angry with her for coming to the house and talking there, and probably considering it interfering with her authority, drove her away. Whether America answered again or not, I do not know. The manager was from home two or three weeks taking his pleasure, as he had been a short time before, and of course the management of the estate was left with this coloured woman and the overseer, who was well known to be one of the most drunken men in the colony. When the manager came home, he directed her to be tied down. Jos, one of the witnesses, was present while America was brought up for punishment. She wished to speak to the manager, but he refused to hear her until he had flogged her.

Q. "Did he see that America was with child at the time?

A. "I, as well as the other negroes and the manager knew, that she was with child.

Q. "How was the manager occupied, during the punishment?

A. "He was smoking. As soon as the punishment was begun, he ordered the boy to bring fire to light his pipe.

Q. "What number of lashes did the woman receive?

A. "I counted a hundred and seventy: first, ninety-five, when the manager asked America why she was saucy to his wife. She replied, 'I was not so: I was only angry with my child.' He then gave her seventy-five lashes more."

The witness concludes with saying, "the woman, after receiving her punishment, was very weak, and was assisted to the sick house by two of the drivers; where she miscarried."

The Reverend Mr. Wray says: "I saw out of my window poor America come limping, from her wounds, up to my house. I wish I could describe her looks and gestures, when she approached us. She had been released from the stocks three days. We examined the wounds she had received on her buttocks; her posteriors had been but one wound. We looked with amazement and pity upon the long furrows which the whip had made, and which were now scaled over, but from which, by the use of a pin, matter would have dropped. The sight was dreadful. I am persuaded no farmer would have permitted a servant to have cut up an indifferent horse, as this pregnant woman was cut up: every stroke had cut deep, and fetched blood. The tyrant (for I can call him nothing else) stands over the drivers with a stick in his hand to flog them, if they do not lay on severely. Only conceive for a moment, two strong men, with heavy cart-whips corded, flogging a poor unfortunate, pregnant woman, laid flat on her belly stretched on the ground naked, with her hands and feet tied to stakes, receiving upwards of one hundred-and-fifty lashes, with one driver on one side, and the other on the other! After which she was taken, and both her feet made fast in the stocks, for a fortnight or more, lying with her wounds upon a flat form of hard wood, in a state of pregnancy, and none of her friends permitted to give her any thing to eat! It seems she hardly knew what she was flogged for.

"Overeen, the manager, being asked, if he had exceeded thirty-nine lashes? laughingly replied, 'I gave a Dutch thirty nine.'"

In his defence, it was not disputed, that the woman America had been punished, at the time and in the manner stated; but it was contended, and attempted to be proved, that she had been punished according to the letter of the law. Two European overseers were called: one of whom prevaricated in the most gross manner, and was, in consequence, committed to the custody of the marshal for contempt, and prosecuted for perjury; and the other did not depose to any single point in favour of the prisoner, and also swerved from truth.

Overeen states, that she was sent to the sick-house, where she remained eleven or twelve days, as a punishment, conceiving that the punishment she had already received was inadequate for the impertinent language she had made use of.

Nothing is wanted to make this case complete, but the Sentence of the Court: "Whereas" says the Fiscal, "a crime of the nature of that of which the prisoner stands charged, is not to be tolerated in a land where justice prevails, but requires to be exemplarily punished, so as to deter others from the commission of the like offences, the Court condemn the said Jacob Overeen to be confined in the common gaol of the colony, for the space of three calendar months, and to pay a fine of three hundred guilders" (about six-and twenty pounds sterling), "together with costs."

The next case I shall cite is one which, on a former occasion, I stated to this House. It is the case of Michael Carty, in 1816. I shall only state a passage from the governor's despatch:

"By these papers your lordship will perceive, that this Carty was convicted before a special court, assembled for his trial, of having caused a poor young negro female, his property, to be stripped naked, and her hands being tied to her feet with tight cords, a stick was passed under her knees, and above the elbow-bend of her arm; a large cattle chain was fastened round her neck with a padlock, and in this agonizing posture, exposed to the burning heat of the sun, was this wretched female tortured from morning until night; constantly, during that time, flogged with a severe cat by her inhuman master and servant, in the most wanton and barbarous manner: sometimes on her buttocks; at other times, being turned over on the stick, on her face and breasts."

The House shall now hear Carty's sentence, in the words of colonel Arthur:

"Convicted of all this load of enormity; with the unfortunate young female before their eyes, lacerated in a manner, the recital of which is shocking to humanity; her wounds festered to such a degree, that her life was considered in the greatest danger; still this picture of human misery, and human depravity, could not rouse a Honduras jury to award such a punishment against the offender (whom they found guilty to the utmost extent) as bespoke their commiseration for the former, or their detestation of the latter. Fifty pounds, Jamaica currency, equal to about thirty-five pounds sterling, was the penalty deemed adequate to the crimes of the offender! a man in affluent circumstances, worth thousands of pounds; and the poor female was doomed to remain the slave of this cruel wretch, still more exasperated against her than ever."

The next is the case of Mr. Bowen, a magistrate of Honduras, in the year 1821. The Governor says, "In order that I might be under no error from misrepresentation, I attended the trial, and the following circumstances were most clearly and most distinctly proved; indeed, not denied: that on the bare suspicion of having made away with some handkerchiefs committed to her care to dispose of, a poor female slave was tied up, by order of her owner, and severely flogged, and then hand-cuffed and shackled, placed in an old store, infested with vermin and noisome flies of this country: after being in this situation for five days and nights, Serjeant Rush, a military pensioner, interceded with Mr. Bowen for her release, and having pledged himself, if the handkerchiefs were not found, to pay the exorbitant sum demanded, the poor creature was liberated on Sunday about mid-day; on the following morning, she left her owner's house, to make her complaint, and seek redress. For this, and no other grounds whatever, she was again seized upon, tied upon her belly to the ground, her arms and legs being stretched out, and secured to four stakes with sharp cords; and in this shocking attitude, in the sun, exposed before the men in a perfect state of nature, she was again severely flogged, in presence of her inhuman master and his brother, upon her back and posteriors, and then sent back to the place of torment, and there again confined in hand-cuffs and chains, subsisted on the wretched pittance of twenty plantains and two mackerel per week, for above fourteen days. Occasionally, indeed, it appeared, the miserable being was led out by day, and chained to a tree in the yard, and there compelled to work. This, my lord, was an offence for which the magistrates could find no law on which to charge the jury, nor the jury any on which to find the prisoner guilty."

I only add one single question, which happened to be put by a juror—

Q. "Do you conceive that a person confined in the store for two or three days would be materially injured?

A. "I conceive not, from the situation of the place itself; but I remember, about the time before-mentioned, to have seen some snakes come out of it."

Sportive allusions to feelings of gallantry—black ladies of an Amazonian cast of character—and grumbling husbands, because their wives were no longer publicly cart-whipped, may be excellent jokes; but they are very poor reasons for continuing to any man, to the most humane planter in this House—still less to his deputy at the distance of five thousand miles, a Jamaica attorney—still less to his deputy, a plantation overseer—and, least of all, to his deputy the driver, himself a negro, a slave, his nature depraved, defiled, and brutalized—the power of lashing girls, mothers, and aged females.

I come now to the opinion of Mr. Hampden, that the negroes would repine, if their wives were exempt from the cart-whip. I care not whether that opinion be correct or incorrect. If incorrect, it proves how exposed we are to be misled by erroneous information, coming from West-Indians, even when those gentlemen are respectable, and intend nothing like deception. If correct, it proves my whole case. It shews the utter vileness which slavery is sure to produce. I have always detested slavery: somewhat, indeed, for the physical sufferings it occasions; but, ten thousand times more, for the moral degradation which it never fails to impose. And, with what an illustration of this are we furnished by Mr. Hampden! How sunk must be that man—how must slavery have wrung from his mind all the qualities of manhood, who should repine—Why?—because his wife, or his daughter, are no longer to be stripped naked before a gang of males, and torn by a cart-whip!

I hate the practice; for many and very distinct reasons. For its operation on the mind of the master—It is unmanly, and brutal, and disgusting. For its operation on the person of the slave—it is cruel. For its operation on the mind of the slave—it frustrates the first step towards all advancement in the female character—it is a bar to modesty, to chastity, and to virtue.

But, I am dwelling too long on this point. Before I leave it, however, permit me to put one proposition. We have been represented as a band of enthusiasts. This kingdom, from one end to the other, has rung with loud complaints of our violence and extravagance. We have borne this patiently abroad: but here we may expect justice. Judge us fairly, point by point; particular by particular.

The first point that comes before you is the practice of flogging females. Have we offended—have we outrun public feeling—in declaring that that practice ought to be abolished? But, the fact is, you have not to judge between us and the West-Indians, but between his majesty's government and the West-Indians. The right honourable gentleman is as much an enthusiast about cart-whipping women as I am.

The second point to which I come is the cart-whip as a stimulus to labour. It is to be so no longer in Trinidad. It may continue to be so in other parts of the West Indies. We have been told, about a thousand times, that the cart-whip is not used in the West Indies now. The driver, indeed, carries it over his shoulder as an emblem of authority, but nothing more. "What! whip a negro with it? Do you really think we do such things? How consummately ignorant you must be of West-India matters!" And this, not by disreputable persons, but by gentlemen in this House of the highest respectability. The honourable gentleman opposite (Mr. Ellis) in the debate in May last, made use of the following words:

"With regard to what is commonly termed the driving system, I must beg leave to say, I do not believe, however confidently it may have been asserted, that the whip *is* used as a stimulant to labour. I believe it will be found, that the whip is generally placed in the hands of the driver—who is always a confidential negro—more as a badge of authority, than as an instrument of coercion. I admit, that it may be, as the appellation denotes, the remnant of a barbarous custom, but it is, in fact, considered at present only as a symbol of office."

Next, a pamphlet came out, from the pen also of a respectable gentleman, in which he introduces this apt comparison, which will be quite intelligible to the gentlemen of this House: "The whip is to the driver what the mace is to the sergeant at arms, and it would be just as reasonable to assert, that the sergeant carries the mace for the purpose of knocking down members as they enter the lobby, as to maintain, that the driver carries the whip for the purpose of flogging of the negroes at their work."

Now, Sir, in reading this strong denial, I confess I was somewhat staggered. I began to think I had been most grossly imposed upon: when I happened to take up a file of West-India newspapers, and the first thing which meets my eye is an advertisement of this kind—

"Runaways—Allick, a Creole, marked G. F. H. on right breast, G. C. P. on top, on shoulders, with flogging marks thereon, and a scar on right collar.

"Pitt, a Congo, marked apparently I. W., diamond between, on left shoulder; the mark on the right is much blotched, but seems to be the same as that on the left: marks of severe flogging on his back and right side; and has a large scar on his stomach.

"John, a Creole, marked C. L. on left cheek; has marks of severe flogging on his back.

"Robert, a Creole, marked on right breast G. F. H. and on both shoulders, G. C. F. on top, and marks of flogging on his back.

"Sam, a young Creole negroman, marked I. M. on shoulders, and T. D. apparently below, on left shoulder. Has marks of flogging on his back.

"Polly, a young Creole negro woman, marked apparently on shoulders, but so much blotched, that it cannot be made out: marks of flogging on her back; lost two of her upper front teeth.

"James, alias James Robinson, an Eboe; marks of a severe flogging on his back.

"Billy, a Creole negro man, marked apparently A. H. and D. I. C. below, on the left shoulder: the mark on the right shoulder cannot be made out, and marked A. H. on the breasts, with marks of flogging on his back.

"Nanny, a young Creole negro woman, marked apparently on shoulders, but blotched, from flogging, so that the letters cannot be made out, and has lost two of her upper front teeth.

"Harriet, a Creole negro girl, has scars on her back and stomach from flogging."

I find the papers filled with advertisements of a similar kind—hundreds and thousands of such cases. Now, what do they mean? I thought the whip was only an emblem of authority—a badge of office—as innocent a piece of ceremony as the mace on the table. But, what is the meaning of these? Here is something more than ceremony. The cart-whip has been in active service here. What mean the furrowed, excoriated backs of these negroes? They betray a secret. You may, if you please, disbelieve the evidence of a negro, when it comes from his mouth; but his back thus torn, scarred, and indelibly ridged, is good evidence in any court on earth. They are proofs of flogging. It may be said, that that flogging was for crimes committed, and not in the operations of the field. Some may be so; but I cannot believe, when such multitudes are marked with the cart-whip, that all of them received those marks for public offences. If they did, this is another charge against slavery. It proves its tendency to multiply offenders, and criminals.

Now I am on the subject of advertisements, there is another very curious piece of information which these newspapers contain. I mean, that negroes are branded. This has been most stoutly denied. Positively I did not believe it, till these newspapers fell into my hands—

"Runaways—Betsey, a Creole marked I. O. on right shoulder, and apparently SON, with several other letters not plain on her breasts.

"Sanno, a Creole, marked apparently LOFEAT, on top on right breast, and apparently A. C., diamond between, on right shoulder.

"Peter, of the Mungola country, has a lump on each shoulder, having been marked with a cow iron.

"Sarah, an Eboe, marked I. D. with another letter not plain, on left shoulder, has a star on her neck, and two of her lower front teeth out: says she was abandoned by her owner, and sent into the bushes to die.

"John, a Creole, marked I. B. heart on top, on left shoulder and cheeks.

"George, a papa, marked apparently R. S. and D. M. on two parts of each shoulder, and some marks on his breast, not plain.

"Lewis, a Mungola, marked MALA BRE apparently on left breast, has a long scar on his forehead, and the nail of his right great toe is lost.

"Letitia, a young Creole negro, marked H. I. on cheeks, and has lost two of her upper front teeth.

"Mary, a young Creole negrowoman, marked apparently I. H. on top, and D. I. H. below, on the right, and H. on top and D. S. below, on the left shoulder.

"Smart, a Creole negro man, marked apparently W.M.C. on left, and H. B. on right shoulder, has a sore on the small of the right leg, and had a riveted iron collar on.

"Richard, a Coromantee, marked apparently I. R. H. on left, and REID on shoulders.

"Anthony, an Eboe, marked ASIA on two parts of the right and on one part of the left shoulder, and has apparently the same marks on his breasts and cheeks.

"Peter, a Moco, marked A. C. S. Seronsville, on breasts."

What am I to think of these? Is it not incredible, that a human being should stamp the letters of his name across the breasts of a female? But, on the other hand, is it not equally incredible, that the editor of the Jamaica Gazette should have inserted, and been suffered to insert, such tales, pregnant as they are with reflection, without contradiction or punishment?

But now I revert to the cart-whip. Hitherto we have always heard of it as a mere relic of more barbarous times—a kind of official badge, in which the driver is arrayed, as the emblem of his dignity and the warrant of his office. But when we talk of putting it down, then we find the importance which is attached to it. Clamour spreads through the West Indies—it is vital to their safety—vital to their property: no whip, no sugar! no whip, no discipline! We are told, in the public resolutions of Trinidad, that "to deprive the master of the power of inflicting punishment on any slave, whether male or female, would, in the opinion of this meeting, subject the discipline of every estate in the colony, without answering one single beneficial end."

Here then, is our second offence. Doubtless we are guilty of viewing this mode of extracting labour with no great reverence. His majesty's government, however, are as bad as we are: for they propose to abolish it in Trinidad. The people of England are as bad as we are. I am ready to stand or fall by their opinion, whether this is a suitable mode of obtaining the labour of our fellow-men.

The next point in the speech of the right honourable gentleman is the diffusion of religious instruction. In the propriety of that diffusion, I entirely concur. But, did I understand the right honourable gentleman right—that the Missionaries in the West Indies are to be placed under the influence, and subjected to the authority, of the bishop? Why, then, these dissenters are no dissenters at all, if they are thus ready to conform to the doctrines, and yield obedience to the discipline, of the church of England. There is, however, such a thing as dissent; and, according to this plan, that dissent must be subdued by force, or by persuasion. Now, I understand there is to be no force—no persecution. Gentle methods, we are told, are to be used. Then, the Order in Council is to put an end to all religious differences, arrange all disputes, and bring to a speedy adjustment and amicable reconciliation, all those controversies which have raged for centuries, and filled so many hundreds of folio volumes. The order in council will do a great deal indeed, if it does this!

I come next to the possession of property, to be secured to the negro: It is practically secured already; and it seems, that the planter has no objection to give the sanction of law to that which has already the authority of custom. In this we agree: And, are we to be condemned, for having proposed that, to which every man at once accedes?

The same, I understand, is the general feeling with regard to fines on manumissions. On a sanction to be given to the marriage of slaves—on the permission to the negro to redeem himself by the payment of a certain stipulated price—in all these cases, then, we have only proposed to do what the planter admits ought to be done.

Negro evidence is the next point. I need hardly tell the House, that the refusal to receive Negro evidence, is the refusal of all the protection of law. It shelters almost every atrocity, not only from punishment, but from inquiry. The negro population amounts to seven hundred thousand—the whites to fifty thousand. So that, if the latter were equally scattered over the surface of the colonies, there would be, for one white who can give evidence, fourteen blacks who cannot. But, it so happens, that the whites are almost all settled in the towns, and the great body of the slaves are in the country. To a gang of two or three hundred slaves, there are not more, I understand, in general, than two or three white men, with their families. Supposing in an estate, there are two hundred blacks and two whites: one of these whites, in the face of open day, commits a murder —it is then precisely two hundred to one, that there will be no evidence against him. But, if he exercise any reserve— if he attempt to conceal his guilty deed —and whoever wished for publicity, when he committed a murder?—if he select his opportunity, it is very close upon an impossibility, that he should ever be called to account for his misdeed.

Take the celebrated case of Thurtell. His guilt was proved by a chain of evidence. If one link had been wanting, the man would have been acquitted. A link was wanting: and it was supplied by the evidence of Probert. You saved the life of the accessary in murder, in order to supply the link wanting to prove the guilt of the principal. But is it possible to establish a chain of evidence in the West Indies, while the bulk of the people are disqualified from giving evidence? I know that there are laws to punish the murder of a slave, or cruelty towards him. But first the crime must be proved. Proved it cannot be. The letter of the law may be as humane as you please: it may honestly intend to curb crime, and punish the criminal. But, its intentions must be, and are, defeated, by the disqualification of the witnesses. Hence, Mr. Burke said, on perusing the ameliorating acts of 1792, "I have seen what the colonial legislatures have done: it is arrant trifling: it wants an executory principle."

The House should know, that this is not merely the opinion of Mr. Burke; but that it is a fact confessed by all the chief persons who have advocated the cause of the West Indians. "The only difficulty," say both Houses of the legislature of Grenada, in answer to the inquiry of the privy council, "which has been found in putting an efficient stop to such instances" (cases of gross and wanton cruelty towards slaves) "is, that of bringing home the proof of the fact against the delinquent, by satisfactory evidence; those who are capable of the guilt being, in general, artful enough to prevent any but slaves being witnesses of the fact. As the matter stands, though we hope the instances in this Island are at this day not frequent, yet it must be admitted with regret, that the persons prosecuted, and who certainly were guilty, have escaped, for want of legal proof."

"The only instances," says Mr. Ottley, the chief justice of St. Vincent, "in which their persons appear to be protected by the letter of the law, are in cases of murder, dismemberment, and mutilation: and, in these cases, as the evidence of slaves is never admitted against white men, the difficulty of legally establishing the facts is so great, that white men are in a manner put beyond the reach of the law."

Mr. Wylly, the attorney-general of the Bahamas, in his evidences before the assembly of that colony says, "In the Examinant's opinion, the consolidated slave-act is little better than waste paper, owing to its not containing within itself the means of carrying its provisions into effect."

Sir William Young says, "Instances of bad treatment and cruelty, and of unjust and immoderate punishments of slaves, I am sorry to say, have frequently been reported to me, with circumstances of atrocity to be believed, though (for the reason I shall give) not to be proved, against lower white or coloured people, domineering over from two to ten or more wretched beings, their slaves. In such cases, what protection by law have the slaves against the abuse of power over them by the Europeans, or other free people? I think the slaves have, by law, no protection: In this, and I doubt not in every other island, there are laws for the protection of slaves, and good ones; but circumstances in the administration of whatever law render it a dead letter. When the intervention of the law is most required, it will have the least effect; as in cases where a vindictive and cruel master has dared to commit the most atrocious cruelties, even to murder his slave, no free person being present to witness the act. There appears to me a radical defect in the administration of justice throughout the West Indies, in whatever case the wrongs done to a slave are under consideration, or rather that justice cannot, in truth, be administered, controuled as it is by a law of evidence, which covers the most guilty European with impunity, provided that, when having a criminal intent, he is cautious not to commit the crime in the presence of a free witness."

I could quote the testimony of Bryen Edwards, and others; but I need not trouble the House further. It is clear to reason, that there can be no legal protection, as it is clear by the testimony I have cited, that there is no legal protection, for the negro.

Now, the motive for the rejection of negro testimony. It is alleged, that a negro has no regard to truth, and no sense of the nature of an oath. Is this a real reason? If so, the colonial legislatures have acted in the most inconsistent manner; for the same act which declared that a negro should not be received as evidence against a white man, permitted him to be received as evidence against a black. Disregard of truth, and insensibility to the nature and obligations of an oath, are doubtless reasons for the rejection of his evidence against one man; but they are equally so against all men: and, it seems strange, that the testimony of a negro is not to be taken, when it affects a shilling of a white man's property, and is to be taken, when it affects a black-man's life.

But now, I ask, is it a fact, that the negro is thus regardless of truth? I care not, so far as my argument goes, whether this assertion be true or false. If false, how monstrous is it, to debar seven hundred thousand British subjects of the protection of law, on the ground of that false assertion! Grant that it is indeed true—that the population of the West Indies is thus dark, ignorant, false! How this divulges the nature of slavery! We have bred and reared the negro: we have measured out to him, with merciful liberality, all that may conduce to his happiness—all that may advance his welfare. He is the envy of the British peasant. He is happier than the happiest of our peasantry. And the only deduction is, that he is too dark, too brutal, too false, as yet, to be admitted to rank in a court of justice with the accomplices of the murderer—with the Hunts and the Proberts of England! One of two things—admit their evidence, or admit the baneful influence of slavery on the human mind—admit their evidence, or set about the extirpation of a system, which makes the whole people who live under it, incorrigible liars—admit their evidence, or laugh at the encomiums which are passed on slavery!

The right hon. gentleman has told us what man ought to be:

> "Cœlum tueri,
> Et erectos ad sidera tollere vultus."

But, what is he when a slave?—a being amerced of the *os sublime* which nature had given him—prohibited from raising his countenance to heaven—

> "Cœlum tueri,
> Et erectos ad sidera tollere vultus."—

compelled to imitate the humble and downcast look of the brute creation—shut out of the pale of humanity. Another poet, and a christian, has said of slavery,—

> "—— it hurts his faculties; impedes
> His progress in the road of Science, blinds
> The eye-sight of discovery; and begets
> In those that suffer it a sordid mind,
> Bestial; a meagre intellect, unfit
> To be the tenant of man's noble form."

Here again, I stand on a rock. I said, "receive the evidence of a negro under certain limitations." If any gentleman says, "yes, it ought to be done," he justifies me for having proposed to do it. If he says, "no, the negro is too great a brute to be listened to in a court of justice," is he a better friend to the continuance of slavery than I am?

I now come to the *venditioni exponas*—that part of the system, which separates and bursts asunder all the ties of blood and affection. It tears the parent from the children—the husband from the wife. Gentlemen may attempt to find out a defence for every other part of the system; but they must admit, that there is something shocking and terrible, unnatural and detestable, in this, beyond the powers of conception. I know not that the slave trade itself had a worse feature than this—that a man might be torn from home, associates, friends, children, wife, parent! And that may be done still in the West Indies. The master may sell him—the creditor may sell him. The master dying, his property may be divided between two or more of his heirs; the one taking him, the other his children.

The recent trials at Demerara have furnished me with an instance exactly in point, on this part of the subject. On one of the disturbed estates in Demerara, Clonbrock, I think, was its name, there was a respectable negro named Billy. This man had lived with a woman as his wife, for nineteen years, and had by her thirteen living children. His master died. His property was divided between his sons. One had the husband; the other the wife and her children. The husband was removed—he was debarred from ever seeing his wife and children; though the estates were contiguous. The gang of negroes to which he had been removed, was ordered for sale, on the 26th of August. No one could guess who would have been his purchaser: he might have been sent fifty miles to the east or fifty miles to the west, or fifty miles inland. The rebellion broke out on the 18th. He was—and is it to be wondered at?—one of the insurgents, and was, when the last accounts left Demerara, hanging in George Town!

Is it not wonderful, that such a system as that which I have now delineated should ever have existed among a Christian people? And, is it not impossible, that it should continue any length of time? I know that in this House, at present, any alteration will be resisted by overwhelming majorities; but I also know, that in the country, there will be an irresistible hostility to its continuance. I am persuaded, that the people of England, with that gallant and generous spirit which always leads them to take the part of the desolate and the oppressed, will not allow the pledge given last session, for the amelioration of the condition of the slaves in all the colonies, to be frittered down to a mere partial amelioration of their condition in those colonies which are under the immediate control of the Crown. The people of England—if I have any knowledge of their character—will see that something effective is done, in fulfilment of a pledge, so publicly and so sacredly given. They will not ask for immediate emancipation. We have never contended for that: for we know, that immediate emancipation would be ruinous, not only to the master, but to the slave: But they will insist on such steps being taken, as shall, at some period, and that not a very remote one, lead to the extinction of slavery.

What I have said, I have said from a sense of public duty. I have no hostility to the planters. I solemnly declare that it would give me pleasure beyond any other event on earth, if some plan could be devised which, granting the promised boon to the negro, would so grant it as to injure no man's property, and wound no man's feelings. Compensation to the planter, emancipation to the children of the negro—these are my desires—this is the consummation—the just and glorious consummation—on which my hopes are planted; and to which, so long as I live, my most strenuous efforts shall be directed.

Mr. *C. Ellis*, rose, and said:—

There are some parts of the speech of the hon. gentleman who has just sat down which, as the House must have felt, call upon me for an answer, however reluctant I may be to trespass upon their indulgence. There is nothing in any of the events which have passed since the last discussion of this question, which at all induces me to retract any of the opinions which I then expressed in favour of any of the measures which have been submitted to the colonies for their consideration. Perhaps I might not have adhered thus confidently to those opinions, had they rested on no better authority than my own judgment; but they were formed in conjunction and concert with a very large number of West-India proprietors, among whom were several practical men, who have had valuable properties and large numbers of negroes under their management; persons possessing an intimate knowledge of the habits and dispositions of the inhabitants of those countries, founded upon experience and local observation; in a word, persons qualified in every respect to form a correct and prudent judgment upon such questions. These gentlemen unanimously concurred in their approbation of certain measures for the improvement of the moral and physical condition of the negroes; they communicated their opinions to the government, and they followed them up by recommending, in the strongest terms, the adoption of those measures in the colonies. That approbation I am not now disposed in any measure to retract; nor am I more disposed to retract any other opinions which I expressed on the same occasion in this House.

The hon. gentleman who has just sat down, has done me the honour to refer to what I then said in respect to the use of the whip in the field. I fully admit, that I then said that the whip was used as a symbol of office; but I must beg leave to affirm, that I never said it was used as an ornament. The hon. gentleman, as it would seem, thinks to convict me of inaccuracy on this point, by referring to the advertisements in the colonial newspapers, in which the marks of the whip are mentioned, among other peculiarities, for the identification of runaway slaves; my answer is simply this:—(So obvious indeed, is it, that I think the House must have already anticipated it, although it has not occurred to the hon. gentleman himself)—it is, that I said, the whip was not used as a stimulus to labour, but did *not* say, it was not used as an instrument of punishment. I am not aware by what process of reasoning the hon. gentleman has come to the conclusion, that those marks on which he rests with such apparent triumph as a proof of my inaccuracy, were not inflicted strictly according to law and justice, by the order of the owner of the plantation, or of the overseer, or of a magistrate, and merited by the slave as a punishment for misconduct. Indeed, I have no doubt but that, even after the new order of council shall have been carried into full effect in the Island of Trinidad, the hon. gentleman may again come down to the House, and again refer to advertisements noticing the marks of the whip on the persons of offending slaves.

With regard to those other marks to which he refers, with which the slaves are branded, I must observe, that this was one of the barbarous practices belonging to the slave trade: these marks were at that time branded upon newly-imported slaves for the purpose of identifying them. Since the abolition of the slave trade, this practice has been discontinued; and I believe no such marks are at present to be found on Creole negroes [Mr. Buxton here intimated, across the table, that his information led him to believe that almost every negro had one or more of those marks].

Sir, I can only repeat my belief, that the practice of branding Creole negroes has been discontinued.*

Having stated unequivocally as I have done, my own unaltered opinion with respect to the measures which have been recommended for the adoption of the colonies, I must beg to be as distinctly understood, that those opinions were given on my part, as well as on that of all those gentlemen who, as I have stated, concurred in them, subject to modifications, both as to the time and the detail of carrying them into execution; and specially, that they depended on the assumption of the existence of feelings, on the part of the white and the black inhabitants towards each other, of content and attachment to their masters on the part of the negroes; of confidence in the fidelity of the negroes on the part of the masters, which we knew at that time to exist—which we trusted would continue; but which have since unfortunately been (I hope I may say only) interrupted. When I was myself in Jamaica, I resided amidst a population of a thousand negroes, in a house in which neither door nor window was shut by night or day. I do not feel sure that I could venture to do the same at this moment. As to the causes which have produced this change, I do not know that it will answer any good purpose to say more, than that it is most unfortunate, and for no reason more so, than on account of the impediments which it interposes to the improvement of the condition of the negroes.

The hon. gentleman, in his observations on the subject of their condition, has done me the honour to pay me some compliments at the expense of my countrymen. [Mr. Buxton said, "No."] Sir, I am glad to hear the hon. gentleman's disclaimer. I could not have accepted the compliment, had it been offered in the terms which I supposed. But, as the hon. gentleman has been pleased to admit in other planters the same disposition which he has kindly attributed to myself, he has

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* Extract from a letter contained in Appendix B to the "Correspondence between John Gladstone, Esq., M.P., and James Cropper, Esq."

"If any proprietor were wantonly to brand his slave, and that slave should complain of the act to a magistrate, an investigation would follow, and such branding would be considered as bringing the master within the terms "wantonly maltreating" in the 25th section of the consolidated slave law, and subject him to an indictment in the supreme court of judicature, or any assize court of the island; and upon conviction, to fine or imprisonment, or both. In proof that these laws are carried into execution, we refer the reader to the following cases.

"In the year 1818, an individual of the name of Boyden, had branded a female slave on the shoulders and breast. She applied to a justice of the peace, who instantly removed her from the further control of the master, and called a meeting rendered it unnecessary for me to enter into a general defence of their conduct; I will, therefore, only repeat, that the change which has taken place in the feelings of the negroes towards their masters, is peculiarly unfortunate, as an impediment to any immediate amelioration of their condition. Whilst the negroes are expecting that every packet will bring them out the "Paper," as they term it, which is to make them free; while they believe, that the parliament wishes to confer upon them their freedom, but that their masters withhold it from them, is it possible that their feelings towards their masters should be such as are compatible with contentment, or even with due subordination? On the other hand, while their masters are impressed with the belief, that the negroes are only watching the opportunity of seizing their freedom by violence; whilst they have impressed upon their minds all the horrors attendant upon such attempt; it cannot be expected, that their feelings towards their negroes should be such as to induce them to concede privileges or to relax discipline. In a word, can the feelings of either party towards the other be such as to be compatible with that improvement in the condition of the negroes, and in the whole system of society in those countries, which it is the wish of this House to bring about? It is essential, in the first place, for the feelings excited in the breasts of both parties to subside. It is necessary to allay the exaggerated expectations of the one, and to abate the well-founded fears of the other. With this view the proclamation which it is understood is to be sent out by the next packet, is a prudent and judicious measure, and will, it is to be hoped, produce a salutary effect.

But far more important, with a view to ulterior and permanent good—indeed as the only sure foundation for whatever further benefits it may be intended to bestow on the negroes—is the plan which has been announced to the House, and explained by my right hon. friend, for the improvement of their moral condition, by the means of religious instruction. I sincerely rejoice that the government have at length determined to increase and reform the church establishment in the colonies. It has hitherto been miserably inadequate. The patronage has not been placed in the proper hands, and the selection has not been always judiciously exercised. The extent of the parishes, which are equal in size to English counties, has rendered the general instruction of their parishioners a work beyond the physical powers of the parochial clergy, and the distance of many of the plantations from the parish church has made the attendance at divine service impossible to a great majority of the inhabitants. Hence has arisen an habitual inattention to the performance of religious duties, and an impression has been created, that the clergy of the church of England are unfit for the duties and exertions required of them in those countries. Such an impression is, as I believe, most unjust. Certainly it is not founded on experience, for the experiment has not hitherto been fairly tried.

I know, from means of information which have lately been opened to me, and I feel it a duty of justice to state it, that the missionaries of the established church, who have been sent out by the society for the conversion and education of the negro slaves in our colonies, though less numerous, on account of the limited means of that society, have individually been not less successful than the missionaries sent out by any of the sectarian societies. That latterly, since those means have been increased, there has been no difficulty in increasing their number; and

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of the justices and vestry of the parish in which the parties resided, who by virtue of an authority given to them by law, caused a prosecution to be instituted against the master, at the expense of the parish. The woman was brought into court, and the marks exhibited to the jury, who, without hesitation, found the defendant guilty. He was sentenced by the court to six months' imprisonment in the common gaol, and was deprived of all property in the slave. She was declared free by the court, and to be for ever discharged from servitude, agreeably to the powers given to the judges by the Slave-act of 1816.

"Another case, occurred on the 14th August, 1823, on which day Judge Scarlett, passed sentence upon John Baptiste Cadore for branding a slave, *viz.*, to pay a fine of one hundred pounds, out of which sum ten pounds per annum were adjudged for maintenance of the party injured, who was declared free from that day. This prosecution was instituted by the magistrates of Kingston, Jamaica."

that numerous applications are now daily made to the venerable prelate who presides over that society, so much to the advantage of the objects of that charity, by persons well qualified and respectably recommended, to fill the situations of missionaries and catechists, even at the scanty salaries, which the limited funds of the society allow. There can, therefore, be no doubt of clergymen being to be found in sufficient numbers, both willing and competent to fulfil the duties which will be required of them; and it is with a confident expectation of the most satisfactory results, that I contemplate the measure which my right honourable friend has announced.

With a view to the accomplishment of the other object, that of tranquillizing the minds of the white inhabitants, much good is to be expected from the prudent and judicious course pointed out by my right honourable friend, as that which it is the intention of the government to pursue, as well as from the liberal, yet temperate principles which are contained in his speech. When the colonial legislatures find that the government and parliament of Great Britain do not intend to employ for the enforcement of those measures to which they look, as it is expressed in the resolutions of this House, for "that progressive improvement in the character of the slave population, which may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of his majesty's subjects"—when they find that they do not intend to employ, for the enforcement of those measures, the *ultima ratio* of governments, but are contented to rely upon the influence of example, and the argument *ad verecundiam*, there will remain no longer any ground of jealousy as to any interference with their legislative privileges. When they further learn that, for the accomplishment of their ultimate object the government and parliament do not look to legislative enactment, but to the natural operation of such an improvement in the state of society in those countries as shall render the slave fit to receive his liberty before he can obtain it; in a word, that they look not to the "enfranchisement of the slave, but to the extinction of slavery;" they will see, that there exists no intention to invade their property in their slaves. And lastly, when they further find, that the government and parliament do not intend to call upon them to adopt any measures of doubtful prudence, until they shall have had the opportunity of seeing the practical proofs of their good effects in full operation in some other colonies, they cannot entertain any dread of an intention to put to hazard the public tranquillity—when they thus find that no measures of hostility are directed against their legislative privileges—no measures of spoliation against their property, and no measures of dangerous policy against their internal tranquillity, every existing cause of jealousy and distrust will have been removed from the minds of the colonial legislatures.

Having stated my approbation of the course pointed out by my right hon. friend, it is necessary for me to explain, that there are two of the measures announced by him, which are not included in the pledge which I have stated to have been given by gentlemen connected with the colonies — I mean the admissibility of slaves as witnesses, and the compulsory power proposed to be given to the slave of purchasing his freedom.

With regard to the first of these propositions, I have no hesitation in saying, as far as my own opinion is concerned, that I entertain no objection to that concession which would not be obviated by the modifications proposed by my right hon. friend. I consider it indeed essential, that the exercise of that privilege should be restricted by the knowledge which the slave may be proved to have of the obligation of an oath—that it might be proper to require a certificate to that effect, and also perhaps of general good character, and to except all cases in which the interest of the master might be directly implicated in the evidence of the slave. But subject to such qualifications and exceptions, I should hope that the concession might be safely made, and if safe, it would, I think, be most proper to grant it.

With regard to the second proposition, I confess I entertain more serious apprehensions. It is a measure, of which it is impossible at the first blush, to embrace all the various and remote effects in its bearings upon the state of society in the colonies. Numerous objections, however, present themselves to the mind at the first sight of it, as to its execution in various points of detail: first, as affecting the property of the master; next as affecting the comfort of the slave; and, lastly, as tending to counteract even the ultimate object of the measure itself.

For these objections no satisfactory solution has yet offered itself to my mind, and I cannot but think, that these objections could scarcely have failed to suggest themselves to the comprehensive mind of my right hon. friend, if the multiplicity of his other avocations could have afforded him the opportunity of considering the practical details of this measure as maturely as they deserve.

Indeed, I think that my right hon. friend would have done better, with a view to the more safe, and I believe the less distant, accomplishment of the very object of this measure—the extinction of slavery—if he had not departed from the principles laid down by the abolitionists themselves, and expressed by their own organ, in a Report published by the African Institution, in which, while they repel with indignation, all imputation of having in contemplation any other more abrupt means, they declare, that they look only to the extinction of slavery "by the same happy means which had put an end to it in England,"—"by the encouragement (not compulsion) of particular manumissions," —"to an emancipation of which, not the slaves, but the masters, should be the willing instruments."

Having referred to the disposition and feelings of the white inhabitants of the West Indies, it would be disingenuous in me not to state, that I regret exceedingly the temper in which the suggestions of the government have been received in some of the colonies. But, after making that admission, I must beg leave to call upon the House, in judging of the conduct of the colonies, to take into their consideration, the impressions, the feelings, and the circumstances, under which they acted. It is evident that they acted under the impression, that a threat was implied in the resolutions of this House, of enforcing the measures there referred to, by means which they considered as interfering with their constitutional rights, as invading their property, and likely to disturb the internal tranquillity. Nobody can be less disposed than I am to argue that such is a correct understanding of those resolutions, on the contrary, I consider it to be an understanding not justified by the construction of the words, and practically contradicted by the course adopted by the House. And it has since received a still more satisfactory contradiction, in the speech delivered by my right hon. friend, as well as by the course now adopted by the government.

But, whatever may be the opinion of gentlemen as to the degree in which such a construction may, or may not, have been justifiable, the mere fact of the existence of such a misconception of those resolutions on the part of the colonists, would naturally lead the House to anticipate that upon its removal there would be a material change in their disposition.

It is to be recollected also, that the report of the debate, and the knowledge of these Resolutions, had scarcely reached the colonies, when they were followed by the breaking out of the insurrection in Demerara, and followed by it so closely, that they could scarcely fail to appear to the inhabitants of the other colonies to be connected as cause and effect. There was nothing so peculiar in the situation of Demerara, or in the circumstances attending that insurrection, as to justify any confidence of greater security in any other colony. All the circumstances which transpired with respect to the causes of that insurrection, and the plots which were subsequently discovered in the other colonies, tended only to justify that impression. I would ask the House then, whether it is to be expected, that persons who were living in the midst of such dangers could view them as calmly as gentlemen in this House, who contemplate them at 4000 miles distance—whether it is not natural, that, under such circumstances, they should think their first duty self-preservation—that their first care should be, to guard against a similar calamity; and, if they should have heard that their fears had been described by the hon. gentleman who brought forward this question last year, as "extravagant apprehensions," as "predictions always falsified by fact;" if they should have seen, in a publication referred to by that hon. gentleman himself in his speech to-night, and sent forth into the world by the Society who have associated themselves for the accomplishment of the object of which that hon. gentleman has stood forward as the champion; if they should have seen, that they are there accused of "getting up plots" for popular impression, "plots issuing in blood, not of whites, but of blacks in abundance"—is it unnatural that they should feel, and, feeling, that they should express, some resentment at imputations so foul—at so insulting a mode of treating their just apprehensions of so dreadful a calamity? And if they should have allowed their indignation to hurry away their judgment—to prevent them from discriminating accurately between the conduct and views of that party, and the views and intentions of this House and of the government—if they should have failed to distinguish accurately between the correct meaning of the resolutions adopted by the House, and those resolutions which were proposed by the hon. member for Weymouth, but negatived by the House, resolutions which, if they *had* been carried, would *indeed* have interfered with the internal regulations of the colonies, and would have been a violation of property, such as is not to be found in the history of any country, not in a state of revolution—if they should have confounded the character of the constitutional reference which was made to them, with the interference which was intended by the hon. gentleman, but negatived by the House, is such a misapprehension very unnatural or inexcusable in persons acting under the influence of feelings such as I have described? Much forbearance is, I conceive, due from the House towards persons so situated, acting under the influence of erroneous impressions, and of the passions most calculated, perhaps, of all others, to mislead the judgment—anger and fear—more forbearance (not, indeed, in substance, for in substance nothing could be more temperate, judicious, and forbearing, than the course traced out in my right hon. friend's speech) but somewhat more of forbearance in tone and manner, than my right hon. friend, indulging in the brilliancy of his talents, and the exuberance of his fancy, has been able to observe towards them.

If there are any gentlemen who are inclined to act harshly or resentfully towards the colonies, I would conjure them to follow the admonitions rather than the example of my right hon. friend. I would conjure them not to lose sight of what becomes the dignity of this House, as the representatives of this great country; but, to bear in mind, that the more they may be disposed to find fault with the colonial legislatures for any intemperance which they may have exhibited, the more it behoves them not to fall into a similar error—an error in them more unbecoming and less excusable. Even if they should participate in all the distrust of the colonial legislature, which has been avowed by the hon. member for Weymouth, I would conjure them to recollect, that they have no other instruments to work with than the white inhabitants of the colonies—that they can only improve the condition of the slave, as my right hon. friend has truly stated, through the agency of the master—that they can only ensure that agency for that purpose, through the influence of kind feelings, of confidence, and of mutual good-will—that parliament, with all its great and "transcendental powers," cannot *compel* the planters to feel kindly towards their negroes. Parliament may indeed compel them to fear the negroes—Parliament may break down the frame of society which they have established in the colonies — they may occasion scenes of blood and a work of desolation such as have been exhibited in St. Domingo; but, if they would labour to good—if they would accomplish a work of real philanthropy—they have no alternative but to adopt the course pointed out by my right hon. friend, and to pursue it in co-operation with the colonies.

Mr. *Wilberforce* commenced his speech by observing, that if he had come into that House for the first time, and had heard the beautiful and flowing language of his right hon. friend which had communicated so much delight to the House, he should no doubt have rejoiced, that the blessings to be derived from his right hon. friend's plan for the amelioration of the condition of so many thousands of his fellow creatures, were about to be extended to so large a portion of the human race as the population of the island of Trinidad. But that feeling was overborne by the consideration, that, after what had passed in that House during the last session, that plan was not to be carried into effect to a much greater extent. It was therefore necessary for him to consider, how far he was opposed to his right hon. friend on the present occasion.

But, before he did so, he would remind the House, that his right hon. friend had begun his eloquent address by reading to the House the resolutions which had been unanimously passed last session upon this subject. The hon. gentleman who had just preceded him, had informed the House, that those resolutions had been quite misunderstood in the colonies. Now, he was totally at a loss to conceive how that could have been the case; seeing that those resolutions were as clear in their meaning, as distinct in their terms, and as explicit in their language, as resolutions could possibly be; and could not have been misunderstood by any person, who did not sit down with a determination to misunderstand them. Let the House only consider the very different situation in which it now was, to what it stood in last session. His right hon. friend had then expressed a hope, that his propositions would be kindly received by the colonial legislatures, but that if they were not so received, the House must nevertheless perform that part which duty required of it. Now, without wishing to introduce any topic that could by possibility increase the irritation which already existed, he would entreat of the House to consider, what it was that his right hon. friend proposed for its adoption.—Why, it was this—to tell the colonies, "We will trust to your own feelings of your own duty, and to your own sense of your own interest, to adopt the course which we have prescribed for you. We will give you a pattern at Trinidad of what we think ought to be done, and we are confident that your just feelings, as well as your views of sound policy, will induce you to imitate the example." Now, as he had before observed, if he had that night come into the House for the first time in his life, and with all the ardent feelings of youth, he might perhaps have been disposed to indulge in hopes, that some kind and humane measures would emanate from the colonial assemblies, in consequence of such a recommendation: but, after the long experience which he had had of colonial assemblies, it would be worse than trifling with the House—it would be absolute criminality in him—to deceive either himself or the House with any such idle expectations. The question was of awful magnitude. It was not the limited interest of a few individuals that the House had to consider. The question concerned the temporal and eternal happiness of hundreds of thousands of immortal beings like themselves, and generations upon generations might pass away, while the House of Commons was endeavouring to conciliate the masters, and to prevail upon them to attend to its humane recommendations. He would admit, that we ought to conciliate the masters if we could; but, failing in our endeavours in that respect, our next step was, to pursue the plain and direct course which our own duty required.

It was worth while to consider the impression which the recent conduct of parliament seemed to have made, both on the masters and on the slaves. With regard to the former, he called upon the House to consider under what circumstances they had refused to adopt, in any shape, the resolutions agreed to by the British parliament. Was it at a time when we were acting towards them in a spirit of frigid indifference and harshness; and telling them, that in consequence of their obstinate opposition to the abolition of slavery, we could repose no confidence in them? Or was it not at a time when we were withdrawing, for their benefit, the restrictions to which they had been so long subject, in return for the monopoly they enjoyed of the British market, and were showering favour after favour upon their heads? Why should his right hon. friend hope, that the recommendation of parliament to the colonies would have a different issue now, from that which it had had in the year 1797? Why did his right hon. friend now place such perfect reliance on the humanity and the wisdom of the West-India proprietors? He himself might, perhaps, do so, if all those proprietors resembled the hon. member who had just spoken. He wished to God that that was the case! but it was the great misfortune of the colonies, that all the liberal, well-educated, enlightened, and affluent proprietors resided in England, whilst proprietors and managers of a very different character resided in the colonies. It was recommended at that very time, he meant in the year 1797, when there began to be a cry that the abolition of the slave-trade must take place, and when the strong interference of government was expected, that the colonies should themselves, by an improved course of policy, render such interference unnecessary. A secretary of state, known to be well-affected towards the colonies, joined in that recommendation; and a circular letter was sent out, by a confidential friend of the colonists, himself one of their number, declaring, that unless the colonists should take some effectual steps to remedy the grievances that were complained of, that abolition of which they were in such deep apprehension would be carried into effect. But, what was the consequence? Notwithstanding this conciliatory tone, the friends to abolition were treated with utter contempt — their representations were viewed with perfect scorn. So it would be now. And he must here tell the House most sincerely and solemnly, that it was his deliberate and fixed opinion and belief—an opinion which, as far as it could be confirmed, had been confirmed—that they were now standing on the brink of a precipice, and that if they did not take great care, they would find that the more they paused, the less energetic they were, the greater was the danger likely to become [hear, hear].

He knew it had been said—he knew it had been promulgated, by those base arts of calumny which had often been resorted to before—that he had himself sent pamphlets, papers, and documents of various descriptions to the West Indies, which had produced a baneful effect. It was a most complete and absolute falsehood, which he should be ashamed of condescending to disown, did he not know that such vile calumnies flourished naturally in the climate and soil of slavery — did he not know, that those who called them into life and gave them currency, were only acting in their proper sphere? What was the fact? Apprehensions were entertained of the danger that might arise from the slaves being made acquainted with the debates which took place in that House? But, had those who viewed the subject as he did, endeavoured to propagate amongst them the tidings of the change that was intended? Certainly not; but meetings were held in every parish of Jamaica—assemblies were convened in every island of the Antilles, where those measures were canvassed, and the strongest language was used—language which showed a disposition to set at defiance the authority of this country, and which declared, that an insurrection of the negroes would result from what had taken place in that House. Nay, he had read in a Dominica newspaper, a paragraph in the Dominica petition to the British parliament stating, that the insurrection at Barbadoes, in 1816, was produced by the conduct pursued in this country; and the paragraph went on to say, that "if such an insurrection had happened in our island, we" (the colonists) "could not possibly have resisted." This had also appeared in the St. Kitt's newspaper. Could the colonists pretend to dread the reports of our debates, when they themselves inserted such articles in their own newspapers?

But, he would refer to the island of Jamaica. In every parish of that island meetings had been held; and every one who took part in those proceedings, when he returned home naturally talked over the events of the day before his domestic negroes. The consequence was — it was vain to deny the fact—that, through the whole slave population, there was one feeling, that something essentially beneficial was intended to be done for the negroes, but that their masters were opposed to any amelioration of their condition. It was in vain to deny, that such was the state of their feelings. Well, then, such being the case in Jamaica — such being also the case in the rest of the islands—the House would naturally suppose, that the negroes were on the very tip-toe of expectation, that something was about to be done for them by the British parliament. What, then, under these circumstances, would be the effect of our not making good the hopes our last year's resolutions had excited? What would be the feelings of the negroes, when they found that parliament was about to pause and stop short in the course it had undertaken — when they found that the king's government, and his right hon. friend, the secretary of state for foreign affairs, whom they supposed to be so firm and serious a friend to them, were now about to make a stand? He could easily imagine the sad dejection of heart that these poor creatures must feel at seeing the cup of happiness which had been offered them, dashed from their lips, just at the very moment when they hoped to have quaffed the sweet draught of liberty which had just before danced before their eyes. The consequence, he feared, would be, that, despairing of relief from the British parliament, they would take the cause into their own hands, and endeavour to effect their own liberation [hear, hear!]. No man living would more sincerely lament that they should resort to such a mode of proceeding than he should do. He could most solemnly declare, that the subject of his daily and nightly prayer—that the hope and desire which he felt from the very bottom of his soul was — that so dreadful an event might not occur. Still, it was a consequence which he could not but apprehend, and, as an honest man, he felt it to be his duty to state that apprehension. Let the House only consider what a terrible thing it was for men who had long lived in a state of darkness, and just when the bright beams of day began to break in upon the gloom of their situation, to have the boon suddenly withdrawn, and to be afresh consigned to darkness, uncertainty, nay, to absolute despair! Whatever parliament might think proper to do, he implored them to do it quickly and firmly. Let them not proceed with hesitating steps: let them not tamper with the feelings and the passions which they had themselves excited. Certainly, he could not conceive how it was possible for a few years to pass over our heads, without a recurrence of serious disturbances in the colonies, unless parliament acted with that promptitude, that spirit, and that temper, which would prove to the population of those colonies, that we had their happiness sincerely at heart.

Let every man present appeal to his own experience, nay, to his own feelings, for the truth of the position which he (Mr. W.) had just laid down. Did not every one of them know, that an evil was much more easily borne when no effort had been made to remove or alleviate it, than when means, which ultimately proved unsuccessful, had excited temporary hope in the breast of the sufferer? In that case, was not his anguish redoubled? Was not his misery rendered nearly insupportable? When hope had been once suffered to beam upon the heart, did it not generally set the whole man in a fever? And when the object of that hope was deferred or destroyed, was not a feeling of desperation often manifested? Did it not often occasion that sickness of heart, which produced in the mind the most feverish agitation and disquietude? Did not the House well remember the origin of that most dreadful convulsion, the French revolution? Was it not a long course of trifling with the hopes and fears of the people of that country, that produced the first horrible explosion, which was succeeded by so many dire disasters? Again, let them only contemplate the scenes which had occurred at St. Domingo. His right hon. friend, the secretary of state, must be too well informed, not to know the real cause of the mischiefs which had taken place in that island. All those mischiefs had arisen from the constant vacillations on the part of the French convention—granting rights in one month, and withdrawing them in the next—again renewing the concession of those rights, and again and again retracting them, until at length they produced that mixture of doubt and despair, which was congenial with our nature; and ultimately the inhabitants were driven to the desperate course of taking their cause into their own hands —a course which had eventually been productive of consequences too notorious to render it necessary to dwell upon them.

For himself, he must disavow altogether all responsibility for any unpleasant consequences that might result from the proposition just brought forward by his right hon. friend; for, whatever his right hon. friend meant (and he knew he meant well) —whatever his right hon. friend intended (and he was sure his intentions were upright)—the shortest way would, he was sure, be considered the best way of accomplishing his object, both by the master and the slave. The course, however, which his right hon. friend now proposed, was dilatory and circuitous, instead of being prompt and direct.

It was the fashion to say, that the dangers to which he alluded, the disturbances at which he pointed, were never to be apprehended, except as consequences of the exertions which were made on behalf of the slaves. The fact, however, was entirely the other way: for, as if by a special interposition of Providence, there never had been so few insurrections, during an equal period, as had broken out since he and his friends had called the attention of parliament to the subject of negro slavery. In the year 1760 there had been an insurrection in Jamaica, attended with every circumstance of terror and alarm. In 1766 there had been another; in 1767 another; and in 1795 another. And so indeed, he might go on through all the other colonies, and enumerate the disturbances which had sprung up in each, almost continually, until the subject was seriously investigated. And, besides those greater insurrections, there had been many others of a local nature, arising out of discontent and dissatisfaction on particular estates. That such had not been the case for many years past, was a sufficient refutation of the assertion to which he had adverted.

His right honourable friend seemed to suppose, that the legislative assemblies in the other colonies would adopt the model he placed before them, in proportion to the success of the experiment. But it appeared to him, that if an experiment were to be made at all, it should be tried under the most favourable circumstances; and he would maintain, that his right hon. friend was about to introduce it under circumstances the most unfavourable that could be imagined. For his own part, feeling that it was about to be tried under such very unfavourable circumstances, he, for his friends and for himself, must decline altogether resting their cause upon an experiment which could not have a fair and satisfactory trial. He was always glad when the slaves were to be benefitted to any extent whatever: he was always happy to see any attempt made to ameliorate their condition: and quite sure was he, that his right hon. friend was sincere in his desire to effect that object: but, much as his right hon. friend expected from his plan, he (Mr. W.) felt confident, that it would not be productive of good, to the extent which his right hon. friend proposed.

So far as Trinidad was concerned, there was one consideration to which his right hon. friend had not adverted. When his right hon. friend spoke of the privilege of allowing the slave to purchase his own freedom, or that of his children, he had omitted to state, that this privilege already existed, and had for some time existed, in Trinidad. That was, however, the fact. But, he had never heard that this permission, though in Trinidad it had been frequently acted upon, had been imitated by any of the other colonies; and therefore he could not expect so much advantage from this part of the experiment, as his right hon. friend did. His right hon. friend hoped that he should be able to induce the other British colonies to follow this example.

But, let his right hon. friend look to what had been the conduct of all the colonial assemblies with regard to the abolition of the slave trade, and then let him consider, whether those assemblies were likely to follow, of their own accord, any example for the amelioration of the condition of slavery which might be recommended to them. The language which they used formerly, when the abolition of the slave trade was under consideration, was as bold as that which they were using at present: but it had not had the effect of paralyzing the efforts of the British parliament: on the contrary, the firmness of parliament prevailed, and the colonists were ultimately obliged to submit to the abolition of that hateful traffic. He did not, however, call on the House to adopt any strong language, but he asked of them to take their measures prudently, temperately, and firmly; and to proceed in the tone and spirit of the resolutions proposed by his right hon. friend and adopted by the House, nemine contradicente, last session. He implored them not to be deterred from taking the just and virtuous course, by the vain attempts that were making to excite their apprehensions, or by paying attention to those threats and warnings, which were dealt out to them, he must say, in so unseemly a manner, by the colonial assemblies. They seemed to imagine, that the British parliament had no right whatever to interfere in their proceedings.

What would be said, either by Mr. Burke or by Mr. Dundas, if they were now living to hear of such an assumption? Both of them had proposed laws for the regulation of the colonies, and never even dreamt that the right of parliament to interfere with the internal policy of the colonies would be disputed. Mr. Burke had actually proposed a plan for ameliorating the condition of the slaves, and for transforming them, by degrees, into free citizens. He had proposed to establish protectors of slaves in all our islands, and to regulate the economy of the plantations in many particulars. He (Mr. W.), then a young man, had not given Mr. Burke all the credit it deserved. That great man had urged the necessity of enacting a system of practical regulation, and of not trusting to the effect of the abolition of the slave trade for producing the better treatment of the slaves. "I should distrust" said he "the value of any general principle, unless I saw some mode by which it might be enforced." Such had been the opinion of Mr. Burke; and yet those who were now proposing measures for the benefit of the slaves were stigmatized as wild enthusiasts, for interfering with the internal rights of the colonial assemblies.

Again, let those who accused the friends to the abolition of slavery with entertaining visionary and impracticable opinions, refer to the authority of the late lord Melville, when Mr. Dundas. He was as little of a theorist or visionary, as any man that ever lived. He was not fond of dealing in abstract speculations or theories, but he was a man gifted with an astonishing degree of plain, strong, practicable, good sense, in short, with a sound Scotch understanding, [a laugh], and with a mind of large experience. Yet, Mr. Dundas, did not consider the interference with our colonial assemblies as being a violation of the rights of the colonies, neither as impolitic or impracticable. Mr. Burke, too, on proposing certain regulations by which he hoped to accomplish his object, with regard to the colonies, said—(and he hoped his right hon. friend would recollect and weigh well the sentiment)—" Sir, I have seen all that has been done by the colonial assemblies, and it is arrant trifling, for want of an executory principle." And yet the House were now expected to indulge the hope, that the colonial assemblies would pass some ameliorating laws, that would prove effectual to their object. This had been before done; and yet those who had framed those laws had never carried them into execution. Take the instance of Jamaica, in which island a law had been passed, by which it was proposed to give a reward of *50l.* to the surgeon of every estate, upon which only a certain number of slaves had died within the year. There were various other premiums which, on the face of them, might promise well to an inexperienced eye. These rewards were proposed to be given after proper inquiry; and they implied a careful and minute specification of the births and deaths of slaves on the estates. But, when one of the chief planters of that island was asked soon after, by the governor of that day, to state the decrease or increase of the negroes on his estate, he answered, that there were no means of ascertaining the fact; in truth, the law was a mere nullity. The colonial assembly of Jamaica had, some time ago, agreed to a law, and put themselves to much expense, in order to procure religious instruction for the negroes. One would naturally have supposed, that some success would have attended an object so desirable. But no—it was in the power of the master, the time of the slave being his property, to prevent the poor creature from deriving any benefit from the regulation; and accordingly, last year, a committee had reported, that the law was intirely inoperative.

In fact, could parliament expect any thing else, from those who disapproved altogether of the means which they adopted for the accomplishment of their purpose, as well as of the end which they had in view? If the parties only disapproved of the means, why, perhaps, they might be brought over by the adoption of different means, for the attainment of the same object. Or, if they disapproved of the end only, it might not be impossible to place it in such a point of view, as would lead them, without being aware of the fact, to adopt the means which would produce it. But, when we found that they were hostile both to the means and to the end, how could parliament entertain a hope, that they would imitate the example proposed to be set them; or that any project thus circumstanced could have a successful issue? On the contrary, he was perfectly convinced, that they would resist it to the utmost of their power; and, if they prevailed, they would attribute their success to the strong ground they had taken; and thus would matters become worse than they ever were.

The House must not conceal from itself what the grand principle—the practical point at issue—really was. It was simply this—whether the slave system was to be put an end to by the imperial legislature, or by the colonial assemblies? Now, he was prepared to contend, that it was impossible this could be effected by the colonial assemblies; that it must be accomplished by the imperial parliament, or not be accomplished at all. By endeavouring to effect this object in any other way, they were exciting irritation; and they would, perhaps, feel the effects of that despair, which all would lament, when it was too late, when they would vainly wish, that they had adopted a straiter, and a more direct course.

He would not assert, neither would he deny, whether it would be wise or proper to pursue the course proposed by Mr. Burke or Mr. Dundas, with regard to these legislatures: but he thought there were various other means, whereby we could accomplish our purpose with equal certainty, and which the parties concerned would, perhaps, be ready to accord to us, and thus to fall in with our intentions and to meet our desires. For it ought always to be borne in mind, that every proposition which was entertained on this subject, was not intended merely for the benefit of the slave, but of the master also. Would it not, he would ask, be infinitely better for the master to remove that feverish irritation of mind which at present prevailed amongst the negroes, by promptly and cheerfully joining with the legislature, in some effectual plan for the amelioration of their condition, than to perpetuate distrust, ill-will, hatred, and discontent? Would it not be infinitely more beneficial for him to be surrounded by a happy and contented body of men, made faithful by his kindness, and feeling an interest in his welfare, than constantly to be, as he now was, a prey to jealousy, suspicion, and despair? For, if the master but once allowed a new and well-founded hope to enter the bosoms of those poor creatures, gratitude and devotion to his interest would soon be the most prevalent feeling amongst them. Whereas, by continuing the present system, they would be made more sensible of the evils of their condition —a condition in which hope did not, could not, exist—a condition, in which they must ever be strangers to the noblest feeling of human nature; that feeling which would enable them to say, "We may, by our own industry and activity, arrive at affluence and honour—we may, by our own assiduity and integrity, command respect and riches." In this country, as had been well remarked, we every day saw men who, by the fair exercise of their talents, raised themselves from the lowest obscurity to wealth and honours: but, situated as they now were, the slaves had no such career open to them: they felt themselves to be a degraded race; and they would feel it more acutely, when they should see negro slaves become free, in various colonies around them. Now, he considered such a state of things to be extremely dangerous; and that it ought, as speedily as possible, to be altered; and therefore it was, that he felt a desire to press these considerations on the serious attention of the House. Every effort should be made, to remove doubt from the minds of the negroes, by taking a clear and intelligible course—a course which would not only be beneficial to the interests of humanity, but conducive to the wealth and prosperity of the country.

Before he sat down, he could not avoid expressing his astonishment at the assertion of the honourable gentleman who spoke last, as to the whip never being made use of as an incentive to labour. It might sometimes be withdrawn from public view; but it was nevertheless in general use throughout the whole of the West-India islands. This was a fact which he had never heard denied, except by the hon. member, and by one other gentleman. Let the House consult the books of travels which had been published on the subject, and they would find it stated, even in those which were not the most favourable to the opinions of him or of his friends, that the terror of the whip was constantly resorted to, for the purpose of stimulating to labour. He recollected to have heard a man state, that, in passing an estate at Barbadoes, he went near enough to see the negroes at work, and the driver behind them, keeping them in a line at their labour. He remembered its being acknowledged by a West-India witness, who had been speaking of the alacrity with which the slaves ran with heavy loads on their heads, that a driver went after them with a whip, to quicken their pace. In short, he had never heard the fact denied before.

With respect also to the custom of branding, he had formerly insisted on its being discontinued, not so much on account of the corporal pain, as of the degradation which it inflicted. It had been said, that this practice was solely confined to African negroes, and that Creoles were not subjected to the operation. But this was not the case. The newspaper which he held in his hand contained sundry advertisements, relating to Creoles, who were thus branded. One of them described, "Sam, a young Creole, negro-man, marked J. M. on shoulders, has marks of flogging on his back;" and the others were couched in similar terms. In conclusion, the hon. member called on the House, acting as it was for the happiness of the community, to consider maturely the best mode of effecting the great object which was intrusted to their care; painfully impressed as he was with the conviction, that they would not advance that object by adopting the measure which had been submitted to them; but, on the contrary, incur the imminent risk of involving the colonies in confusion and misery.

Mr. *Keith Douglas* expressed his sincere regret, that the honourable members for Weymouth and Bramber had not, in conformity with the recommendation and the example of the right hon. secretary of state for foreign affairs, abstained from the introduction into the debate of topics of an irritating nature; since the question before them was one which ought to be treated with the utmost caution and moderation. Instead of which, those hon. gentlemen had cited a number of particulars, which were not at all calculated to have an healing effect. In opposition to the insinuations of those hon. gentlemen, he would strenuously contend, that the colonial assemblies were most anxiously alive to every thing which concerned the welfare of the slave population. In the course of the last year, there had been hardly one of the colonial legislatures, with the exception of Jamaica, in which this question had not been maturely considered. In Tobago, and the other islands, laws had been passed, which went to the adoption of measures not dissimilar to those proposed by his right hon. friend.

Mr. *Baring* said, he could have little hope that he should be able to command the attention of the House, after the beautiful speech which they had just heard from his hon. friend, the member for Bramber, whose speeches were always calculated to produce a powerful effect. He was, however, anxious to impress upon the House, the strong sense he felt, in common with his hon. friend, as to the imminent state of the present question. It appeared to him impossible that the country could now halt between two opinions. In justice to the poor creatures whose situation they wished to ameliorate on the one hand, and in justice to the planters who had so much at stake on the other, the House could no longer stand still: they must proceed, and do something decisive. His majesty's government should no longer suffer itself to be blown about, session after session, by every wind; at one time, in obedience to the wishes of the West-Indian interests, and, at another, in deference to the opinion of that party, which for shortness, he would call "the Saints" [a laugh].

His hon. friend, the member for Bramber, had not, he thought, been so clear in his statements on this occasion, as was usual with him; for, on the one hand, he had told the House, that these discussions would produce no effect whatever in the colonies; while, on the other hand, in another part of his speech, he had declared, that the colonies were on the brink of a precipice—that the negroes had had hopes held out to them, and were now waiting, on the tiptoe of expectation, for the fulfilment of those hopes. Now, he wished to ask his hon. friend, whether those hopes were not founded on these very discussions? He was firmly of opinion, that the state of feeling, and the irritation among the negroes, were such as rendered it impossible for them and their masters to remain long together on the present terms. It was not necessary to go to Jamaica, nor to any other of the West-India islands, to be convinced of that fact. It depended on a principle inherent in human nature, and must always exist. He therefore earnestly pressed on the government the necessity of devising some proper means for allaying this irritation, by ameliorating the condition of the slaves, if the planters should not be disposed to undertake the task themselves. The course hitherto pursued was not very well calculated to produce that effect. Certainly, there were many strange things in the world; but, the strangest of all appeared to him to be the idea of sending out to the governors of the colonies, the speech of a member of parliament and secretary of state, delivered in that House, as the rule by which their actions were to be guided. With respect to that speech, he had heard it delivered, as he had done the speech of the present evening; and he was bound to say, that he must be a very clever governor, or a very good courtier, who could find out from it, the line of conduct that he was to pursue. These poor creatures had evidently had their minds excited by the sanguine expectation of some rumoured benefit; and, indeed, it was quite impossible, from what had occurred, that such should not be the case. Those hopes were, however, disappointed; and some disturbances had taken place in Demerara. This, of course, had afforded ministers the opportunity of saying, "We want five or six thousand men more to send out to the colonies, to quiet these unfortunate creatures." Such was the present situation of the colonies—such the situation of those persons, who, under the sanction of the legislature, had invested very large property, of a peculiar nature, in the West-India islands. All at once, however, a new light had broken in upon them. It was discovered, that the system was one which ought not to be tolerated. And, when he said this, he did not mean to speak disrespectfully of those who had furnished these new lights, or made these discoveries; for he admitted, that not only the negroes, but mankind at large, were indebted to them for their efforts to destroy that most odious and inhuman traffic, the traffic in slaves; and also for the great improvement which they had effected in the condition of those who were unfortunately in a state of slavery. New opinions were propagated; and, was it too much to fear, that individuals who had made the removal of slavery the great object of their lives—who were completely bound up in that question—might, by possibility, be induced to carry their notions of reform beyond the bounds of prudence and of practicability, and thereby materially injure, if not totally destroy, the immense property thus invested? The question was, whether these individuals had not carried their ideas too far? Admitting, to the full extent, all the benefits to be derived from their reforms, might not the House ask, whether there was not a point at which it was necessary to stop? might they not require, that those benefits should be specifically pointed out, before they proceeded further? Surely they might: and then he was ready to acknowledge, that when the House was satisfied, that those reforms could produce none but beneficial effects, they would be bound to go further, and to come to some decisive measure on the subject. Let them, however, decide the question: let them not stand in a sort of neutral position, between one party and the other, leaving, in the mean time, property of every description, and to a vast amount, in a situation of evident risk and hazard.

One of the parties to this question had taken it up very energetically. He scarcely knew by what name to designate them—perhaps, the "Anti-Slavery Society" would answer the purpose as well as any other. This society had raised large subscriptions, and was in the practice of sending its emissaries about to disturb every market town in the kingdom [hear, hear]. He spoke this from experience, as the practice was adopted at Taunton, the borough which he had the honour to represent. There he had seen, on market days, men come into the town, who related stories and exhibited pictures. The country people were asked, whether they would not vote against slavery? Some of the pamphlets of the society were placed in their hands, and they were told many dreadful stories of women who were tied down to the ground and shockingly beaten. These stories, however, were, he would say, gross exaggerations [hear!]. He would explain himself. When he used that expression, he did not mean to deny the truth of the facts represented: but he considered them as exaggerations, when adduced as a specimen of the state of the colonies, or of the system on which the negroes were governed. There could be no doubt, that a horrid transaction had recently taken place in the county of Hertford. That was an undisputed fact. But who would deny, that if that were adduced for the purpose of giving a specimen of the morals or manners of the people of England, it would be a gross exaggeration? In that sense he would say, that the stories circulated, and the prints exhibited, by the agents of the society to which he had alluded, were gross exaggerations. He had little to do with the West Indies; but, from his own knowledge of the facts, he did not scruple to assert, that many of the representations were entirely false.

The gentlemen on the other side of the question seemed, however, to be of a different opinion, and viewed every tittle of evidence on the part of the planters with the greatest suspicion. His hon. friend, the member for Bramber, seemed indeed to have brought himself to that pitch, that he would not believe a word that came from a planter's, or a white man's mouth; while he would at once set down for perfectly true, every thing that came to him from the mouth of a negro. In this respect, his hon. friend resembled a person who had travelled in America, and who was represented by M. de la Rochefoucault to have believed every extraordinary story he was told. On that person being asked by his friend, the reason of his giving credit to every statement of that kind, he answered, that whenever he heard any thing wonderful, he never stopped to inquire minutely into its authenticity, lest the effect should be destroyed if the truth were known. It was thus, he feared, with his hon. friend, who was not sufficiently acute in his inquiries. Such stories of horror might be found in the records of every country; but they did not furnish proof against the general humanity and morality of the people of that country. Besides, he utterly denied the truth of many of them, as applied to the West-India islands. He wished therefore, for an impartial inquiry; for he sincerely believed, that if such an inquiry were made, it would be found, that from one end of the country to the other, it was deluged, if not with falsehoods, at least with exaggerations. And yet it was on these exaggerations—for with no other information was the House furnished—that they were called upon to act. If these statements were true—if such a state of abomination existed as had been represented, a vestige of the system should not be allowed to exist for a single day. On that point it was the duty of the House and the government at once to make up their minds: but, if they were false, as he believed many of them to be, then it was equally the duty of the House and the government, to cease to be misled by them, and to destroy their effects by an open and public denial of them. If they should be convinced, that the people at large had been grossly imposed on, they ought to expose the deception. The stories were not of themselves proofs; neither, in one case out of ten, were they to be credited, as to the existence of the facts stated. And he objected, not only to the exaggeration of these West-Indian stories, but to the eternal repetition which the country had had of them. The source, really, could not be very fertile in crimes, which did not afford a greater variety. Those which had been narrated by the hon. member for Weymouth were what might be called "stock stories." He well remembered frequently to have heard them before: and that circumstance was sufficient to induce him to believe, that the hon. member for Weymouth, in searching for facts on which to support his own theory, had been disappointed. He had not found what he had been hunting for; and, in the absence of new facts, he had consequently been driven to repeat those which he had so frequently brought forward on other occasions of a similar kind. The name of Huggins, for instance, in the way of grievance, was completely worn out. Who ever heard of a debate upon colonial legislation, in which the name of Huggins had not been repeatedly referred to? Far was he from meaning to contend, that the state of slavery was desirable in society. He never could think of offering, or maintaining such an opinion; but, unfortunately, we had that state of society upon our hands, and it was our bounden duty to deal within it the best way we were able. No doubt, where men were possessed of despotic power, it was in the very nature of man to abuse it; and, no doubt, cases of cruelty did occur; but it was both unjust and useless to overstate them. The use of the whip had been spoken of in such terms by some gentlemen, as to make any person believe that it was in constant practice in the West-India colonies, and that it was always used as the means of forcing the unhappy slaves to their labour. But, if such were the case, the use of the whip was not peculiar to the West-India colonies, for it was used in the United States of America, in the same way as in our islands. The overseer, or driver, held it as he superintended the work: he used it when he thought it was called for; and, if he happened to be a man of a harsh or ferocious temper, the odds were, that he would often use it improperly. Indeed, in some cases, they needed only to inquire into the temper of the individual, to know the frequency or the duration of the punishment he imposed.

In what he was saying, he was not attempting to make out a case for the masters. All he wished was, to impress the House and the public with the importance of the case under their consideration. Nothing, he was aware, offended the abolitionists so much, as to assimilate the condition of the slaves in our West-India colonies, either moral or physical, with that of any portion of the subjects of our own, or of any other country. Nevertheless, it was impossible not to remember, that the whip, so much decried, was used, and the use of it defended, both in our army and our navy; and, when the propriety of its use became a subject of discussion, what was urged, in behalf of it, by respectable officers, of honour and experience? The answer to any objection was—"We want very seldom to inflict the punishment, but if you deprive us of the power to inflict it altogether, we cannot maintain discipline among the soldiers and sailors." If, then, without the occasional application of this coercion, we could not deal with Englishmen, enlighted by education and bred up in principles of order, how was it to be supposed that it could be dispensed with, in the control of men so uneducated and so ignorant as were the negroes? He fully agreed in the propriety, as well as the humanity, of suffering no punishment to take place, until some time subsequent to the offence committed, in order to prevent the possibility of mischief being done in sudden anger; but he was by no means prepared to say, that the punishment of the whip could be got rid of altogether.

In standing, however, as he did, opposed to the views of the party who might be termed the friends of abolition, he must say, that he thought any how rather than favourably of the course which had been pursued by his majesty's ministers. The conduct of the government, and especially of the right hon. secretary who had opened the debate, was, in his opinion, open to all the objections which had been made to it by his hon. friends, the members for Bramber and Weymouth. The conduct of his majesty's government appeared to him alike deficient in courage and in political candour. He thought the suggestion of the right hon. secretary perfectly good, as regarded the arrangement to be adopted, say, at Trinidad. It was doing a great deal, but not more than might be done consistently with safety; and he hoped that it would lead to the end which all gentlemen looked forward to, though some were anxious to arrive at it more speedily than others—namely, the eventual emancipation of the slaves in our colonies. But, we must not take up any Utopian view or system. We must take the world as we found it. We must deal with the colonies, not as if they were, or could be, what we might wish them; but as they were in their present predicament; and what he objected to was, that we were not acting fairly or candidly by the West-India proprietors. We did not speak out. We told only part of our case. The fact was, that the demand of the disuse of the whip, and the abolition of the sunday markets, was meant to operate only in the way of an entering-wedge. If government came forward plainly and said to the West-India proprietor, "do these things," or "do such things, and with this we will be content," then the inhabitants of Jamaica must be imprudent not at once to assent to the proposal: but when it was plain, that an opposite course of policy was to be pursued, and that the fact of any concession having been obtained to-day, was only to be made an argument for demanding some further concession to-morrow, then he thought the inhabitant of Jamaica had a right to say to this country, "I will not yield a single inch of ground. I will not treat with you. I have a legislature of my own; and on the power of that legislature I will rely. You are stronger than I am; and, if you chuse to do an act of violence, I cannot help it; but, if you do overcome me, it shall be by violence alone. Your mode of dealing is not candid, and I will therefore have no treaty with you."

And again, it was worth while to observe, that the West-India colonists had no fair play upon either side. There were gentlemen—and his hon. friends, the members for Bramber and Weymouth, were among the number—who were not satisfied with the plan now proposed, but wished for a still more rapid measure towards emancipation; but none of them stated in precise terms what measure it was that they wanted. The plan of the right hon. secretary differed also from the plan proposed by lord Bathurst: it presented one more violent, and according to which the children born after a certain period were to be free. If that proposition should be carried into effect, the interests of the owners would be materially changed. They would then possess only a life interest in the labour, and not the natural lives of their slaves; and the interest of the owner in the children would be totally destroyed. Who, then, would take care of them? Not the planters; for they would possess no interest in them. The country must take on itself the burthen of their protection and education, and would be necessitated to export a large number of wet and dry nurses.

He was anxious that the plan of the right hon. secretary should be pursued, wherever we had sufficient authority to enforce it, and, where we had not, that it should be strongly recommended; and, in that case, he should not be surprised if the proposition were to meet with general approbation and adoption. What he mainly complained of was, that the House went on, session after session, discussing the question, without doing any thing which was calculated to set it definitively at rest. The only course for the government of this country to pursue was, to make such declaration as both blacks and whites could equally understand; and then, and not till then, would there be some probability of their living in amity with each other. The House would do well to remember the immense value of our West-India islands; their natural connexion with America; and the power which they gave their possessors over the commerce of this country, through the seas in which they lay. For himself, he was quite convinced, that if the colonies should ever be thrown into the hands of the blacks, they would, in fact, be thrown into the hands of America—of America, who would then cease to be the second maritime power in the world! The conduct of that power he must consider as being very equivocal. While she was constantly calling upon us to do something for the amelioration of the slaves in our own colonies, she was greatly negligent of the condition of those slaves, as they existed in her own territories. No step did she take for their benefit: no regulation did she adopt for their improvement; while she goaded us on to a measure which would, in all probability, have the effect of throwing the whole of the islands into the hands of the blacks.

To conclude: If the naval and commercial prosperity of this country depended, as much as he believed it to do, on the West-India colonies, he thought he was justified in earnestly beseeching the House to take no proceeding, except upon distinct and positive grounds. If it were capable of being shown to him, that those colonies could not be maintained without the abominations which were stated to exist in them, he should certainly say, notwithstanding their immense value, "let them be given up altogether." But, he thought the House was bound to see clearly, that such was the fact, before they pledged themselves to any thing decisive on the subject. But, putting aside the question of compensation—which, if it came to the point, however, would be found of such an enormous amount as positively to frighten the country to look at—the House ought to feel, that it was dealing with no trifling interest. We had petitions enough on the table, and every one knew the efforts by which those petitions were procured; and some of them certainly went so far as to hint at the necessity of giving compensation. But, if once the amount that would be required was correctly understood—if once it was fairly explained to the people of this country, that they must go on bearing the weight of the malt tax, and the leather tax, and the salt tax, and the window tax, for the purpose of paying a hundred and fifty millions sterling to the West-India proprietors, by way of compensation money, he would venture to say, that the petitions on the table of the House would very sensibly diminish in number. It was his sincere conviction, that it was the duty of his majesty's government not to dally and temporize with the question; but to decide it once for all, and settle it for ever. If there was danger in the decision, they ought to meet it manfully, and look it boldly in the face. They ought to take a plain, manly, and decided course upon the question; and confident he was, that if they adopted such a course, the House and the country would support them in it.

Mr. Secretary *Peel* said, that the hon. gentleman who had last spoken, had made a most severe charge against his majesty's government, and indeed had broadly pronounced its condemnation in the beginning of his speech, in such a manner as might have produced a very powerful effect, if the hon. gentleman's own admissions, as he went on, had not afforded a complete and successful refutation of every tittle of it. Arguing only on that hon. member's own admissions, and referring, indeed, to his own propositions, the House would see, that, whatever charge the hon. member might at first have brought against his majesty's government, he had ultimately absolved it from any. This being the case, it would be necessary for him only to detain the House very shortly on the question. The hon. gentleman, as it seemed to him, had admitted every thing that the government of this country could desire him to admit. The hon. gentleman began his speech by describing the colonies as being in a dreadful condition, as he alleged, in consequence of the discussions that had taken place in that House. He admitted that the power exercised in those colonies by the masters over the slaves was liable to great abuse. He spoke of the Anti-Slavery Society, sitting in London and sending out missionaries whose conduct endangered the property and the lives of the planters. And, under all these circumstances, the hon. gentleman seemed to think, that the government of this country ought to adopt some positive and distinct course. Something, he said, ought to be done, to settle the question for ever. But, the hon. gentleman should have gone further, and stated what that something was. The hon. gentleman admitted the dangers of despotism generally—he admitted the dangers of domestic despotism in particular—and he likewise admitted the existence of a popular feeling on the subject, which placed the lives and the property of the colonists in danger. Under these circumstances it avowedly was, that the government of this country was called upon to act.

The hon. member for Taunton insisted, that there ought to be "some understanding." Now, it was a mighty easy thing to assert, that there ought to be some understanding; but gentlemen who were so decided in their opinion ought to come forward and say, what that "understanding" ought to be. There were only three courses which the government of this country had to pursue. It might decline all interference in the matter, and leave the planters, the negroes, and the Anti-Slavery Society, to fight the battle out between themselves. Would a resolution like that be acceptable to the hon. member for Taunton? Was the government not only to decline all interference, but to set their faces, in toto, against alteration and improvement, and to abstain from proposing or recommending any thing? Would the hon. gentleman approve of such a course? Why, probably not: because the hon. gentleman admitted, that much alteration, and much gradual improvement of the condition of the slaves, were desirable. The only question, then, was, how could that amelioration be effected? But, there was a third course which the government might pursue, upon the present question. It might resolve to legislate altogether for the colonies—to take the measures necessary entirely into their own hands; making no distinction between those colonies which had legislatures of their own, and those which were immediately under the control of this country. Would that course be acceptable to the hon. member for Taunton? Why, again, probably not; for a portion of his speech had been occupied in showing the folly of such a line of conduct.

The only remaining course, then, was that precise course which government had pursued, and which the hon. member for Taunton had taken much pains and time to show was the very wisest that could possibly have been pursued. In those colonies as to which the crown had a distinct right of legislation, government had resolved to commence an example, which it was hoped would soon be followed by those who had a right to legislate for themselves. When the hon. member for Taunton accused his majesty's government of want of manliness and resolution, and of not having done any thing decisive, he would ask the hon. gentleman, from what other quarter any definitive or intelligent plan had originated? The hon. member for Taunton complained, that ministers did not state the whole of their intentions upon the subject at once—that they did not demand so much, or such things, and say, "this demand shall be the last." Why, surely, government could give no such a pledge, because such a pledge would be in direct opposition to all sound and reasonable policy. Surely, upon second reflection, he could not recommend such a course. What! when the government found that the alterations they had proposed were practicable—that certain improvements had taken place—that the general condition of the negroes was ameliorated—and when the hon. member admitted those improvements, and even acknowledged the capacity of the negroes for further improvement, were they to be obliged to stand still in the good work, on account of the pledge they had given to the masters? The hon. member for Taunton must say yes, or his argument went for nothing. From the speech of the hon. member for Taunton, in opposition to the course taken by government, he was warranted in declaring that course to be the only safe and practicable one that could have been pursued.

The hon. member for Bramber had likewise recommended, that a decisive line of conduct should be pursued by the government; but that decisive line he had not thought proper to mark out. Surely, the hon. member would not advise a total disregard of the colonial legislatures! And yet it seemed so; for that hon. member had commenced his speech by expressing his entire want of confidence in the conduct of the colonial legislatures. If that distrust were well-founded, the case of the negroes was, indeed, almost hopeless; for even if a statute should be passed in this country, how could that statute be carried into effect without their assistance? Suppose the parliament were to make a regulation for the education of the slaves, what security could they have that it would be rendered beneficial? If penalties were to be imposed, who would levy them? Was it not far better, then, he would ask, for the sake of the slave himself, to conciliate than to estrange those authorities, without whose assistance it was impossible to do any thing important in his favour? If matters really stood as the hon. member for Bramber represented them to stand, he would affirm, that it was impossible to enact laws in England, and rely upon their being obeyed by the colonial legislatures. And, if it was to be argued, that we ought, in that case, to supersede such authorities, and to send out fresh officers and even troops, to carry our orders into execution, such a course he would fearlessly say—and few, he believed, would be found to contradict him—was likely to be any thing rather than beneficial to the slave population in the West Indies.

But such, happily, was not the nature of the proposition of his right hon. friend, the secretary of state for foreign affairs; founded as it was on intimate and perfect knowledge of all the circumstances of the case, and urged as it had been with all that ability and eloquence, which so peculiarly distinguished his right hon. friend. That proposition was, as it appeared to him, the true practical and beneficial one. It marked the *animus* with which the English government was proceeding: it proved their disposition, where there was no question as to the power of the Crown; and it imposed nothing on the colonies having legislatures of their own, while it offered them the benefit of an example and a warning. He earnestly implored the House to trust to the force of that example; satisfied as he was, that, as soon as the first moment of irritation should have subsided, the colonists, who were so closely connected with England in blood and in interest, and who felt justly proud at sharing generally in her laws and her institutions, would cheerfully adopt those measures which appeared the most effectual for the improvement and amelioration of the condition of their slave population.

Dr. *Lushington* said, that his hope of the active and cordial co-operation of the colonial legislatures was, he confessed, extremely small; and that, in this respect, the right hon. the secretary of state for foreign affairs seemed to entertain a directly opposite opinion from that which the right hon. gentleman had expressed last session, when the subject was brought under the consideration of the House. The right hon. gentleman had upon that occasion declared, that "we had a right to expect from the colonial legislatures, a full and fair co-operation. And," added the right hon. gentleman "being as much averse by habit, as I am at this moment precluded by duty, from mooting imaginary points, and looking to the solution of extreme, though not impossible questions, I must add, that any resistance which might be manifested to the express and declared wishes of parliament, any resistance, I mean, which should partake, not of reason, but of contumacy, would create a case (a case, however, which I sincerely trust will never occur) upon which his Majesty's government would not hesitate to come down to parliament for counsel."

Now, what were the meetings, and the resolutions which had recently passed at those meetings, but contumacy, the most direct and positive? And yet the right hon. secretary had not come down to parliament to ask for its counsel and assistance, but to express his conviction, that the colonial legislatures will, at no distant time, be convinced of the reasonableness of the measures recommended to their adoption, and will prepare themselves to act, by their own power and discretion, consonantly to the wishes of the House, and assist in the amelioration of the condition of their slaves.

It had been urged, and was made a main argument, by those who were hostile to the abolition of slavery, that the very discussion of the subject in England tended to light up the flames of discord in the West-India islands, and that the insurrection which had lately broken out in some of the islands, might be traced to the debates which had taken place on this subject, in the British House of Commons. He would deny, however, in the most positive terms, that, upon principle, discussion could have produced any such effects; and must ascribe the disorders which had occurred to causes of a very different description. To take, for instance, the case of Demerara. Had honourable members seen the last report which had been made by the registrar of slaves for that settlement? Did the House know, that, since the previous report of that officer, the number of deaths among the negroes in Demerara had been 5,200, while the number of births amounted only to 3,500; and yet the number of slaves in that island had increased? If he were asked how that could be possible, he answered by declaring, that the number had been increased by importation, notwithstanding the late act. To that cause, and to the over-working and maltreating of the slaves, and to other causes equally striking, the recent disorders in Demerara were to be attributed; increased probably by the circumstance, that the system of Dutch law, which was still in use in that island, was incomparably the most barbarous and arbitrary; and that a door was effectually opened to fresh importations, by the permission which was granted to transfer slaves from the several islands to the continent.

He really could not help expressing his conviction, that the speech which his hon. friend, the member for Taunton, had made last session, together with the speech which he had delivered on the present evening, had and would prove infinitely more fatal to the case which his hon. friend espoused, than that of any of the opponents to the abolition of slavery. It was, he repeated, in the melancholy condition of the negroes, that we should alone look for the true causes of the recent insurrections. Upwards of seven hundred thousand of our fellow creatures were, practically, deprived of the main blessings of marriage; for, as matters at present stood, there was nothing to prevent husband and wife and child, from being separated, by sale, from one another. Added to this, the incompetency of slaves to give evidence in a court of justice, left that whole class of population in the West Indies entirely destitute of protection.

He was aware how difficult a thing it was, to legislate effectually for these poor creatures. Good laws might be enacted for the purpose of benefitting their condition; but, with a slave population, how were the means to be found, of executing them? And this very difficulty formed one of his main objections to the existence of a slave population at all. Even in this country, the moment a man was deprived of his freedom and put into confinement, under civil or criminal process, how very difficult it was to frame any laws sufficiently subtile to protect him from tyranny and oppression. What, then, could be expected in the West Indies, where so large a portion of the population stood in the same condition, subject further to the feeling against him on account of his colour? Not only must it be difficult, if not almost impossible, ever to get evidence of an offence committed against them; but, where was a jury to be found who would give an impartial verdict—if he happened to be a white man—against the offender? He was sorry therefore to say, that the knowledge of this feeling, and the obvious impossibility of eradicating it, prevented him from entertaining any sanguine expectation, while the population of the West Indies continued slaves, with respect to the success of any system of legislation, having for its object the amelioration of their condition.

But, because the friends of abolition were unable to carry their utmost wishes into effect, did he thence infer that they were to remain idle, and do nothing? Far from it. Something might, no doubt, be effected. He cordially approved of all the propositions of the right hon. the secretary of state for foreign affairs; who, perhaps, would allow him to suggest another benefit which might be extended to the negro, in addition to those which the right hon. secretary had that evening recommended. Why should the onus of proving his freedom be put upon the black man, instead of the onus of proving that he belonged to another being thrown on the individual by whom he was claimed? Unquestionably, there were two great classes of dangers attending this question, which it was most desirable to avoid: namely, the dangers of precipitation on the one side, and the dangers of procrastination on the other. The difficulty was, to pursue a prudent course betwen the two extremes. He was perfectly satisfied with the principles which the right hon. secretary had laid down, and confidently trusted that, neither by the right hon. gentleman himself, nor by the House of Commons (should that House adopt them), would those principles ever be abandoned; for it would indeed be an everlasting disgrace on parliament, a scandalous outrage on the rights and comforts of 700,000 of our fellow creatures, and an indelible stain on the character of the right hon. gentleman and on his majesty's government, if those principles, once sanctioned and recognized, should ever be surrendered. He trusted even, that something more might be done to accelerate the emancipation of the slaves; for it was a necessary consequence of the argument which he had taken the liberty to state to the House, that emancipation, complete emancipation, was the only system to which we could look, as that which would put an end to their sufferings. If it were intended to keep the negro population quiet, it was absolutely necessary that a hope should be held out, that emancipation would take place; gradually, indeed, but certainly.

He had a personal as well as a public interest in the present question; and, from his acquaintance with West-India affairs, he had had constant opportunities of ascertaining what the facts respecting it really were. It was not therefore the mere declaration of a visionary, when he remarked, that to this conclusion he had come, after the best consideration he had been able to bestow on the subject; namely, that it was decidedly the interest of the proprietors of plantations in the West Indies, to join heart and hand with his Majesty's ministers, in the execution of their suggestions, with a view to effect a complete reform in the existing system, and to fit the negroes for the condition of free labourers as soon as possible; when those proprietors would be relieved from all those apprehensions to which they were now so perpetually and so justly liable. He must also say that he sincerely wished that the West-India interest, and especially the colonial assemblies, would endeavour to bring a little more temper and moderation to the consideration of this important subject. He wished them not to delay doing what they ought, until the necessity for so doing was thrust upon them. He wished they would not continue to inflame the negroes by speeches in those assemblies, tending to snatch away all hope from them, and to do more to excite insurrection, than had ever been done by speeches made in the British parliament. He would confidently ask any hon. member, whatever his opinion upon the general question might be, whether he could for a moment believe it possible, that a speech made in the House of Commons, by his hon. friend the member for Bramber, or by his hon. friend the member for Weymouth, would have half the effect on the negro population of the West Indies, or produce one half the ill-feeling and hot-blood, as the harangues of the members of the colonial assemblies? Was it possible that the speeches of those who hold out rational liberty and happiness to the unfortunate slaves, should do as much to excite their discontent, as the speeches of those who were holding out to them the assurance of perpetual wretchedness and slavery? Of this he was quite satisfied, that the language which had gone forth from some of the members of the colonial assemblies in the West Indies, would, if it was to be continued, bring down inevitable destruction on those assemblies. Let them not say, when the blow fell, that the mischief was owing to speeches which had been made in the English parliament!

The hon. and learned gentleman then proceeded to speak of the proposed additional Church Establishment in the West Indies. He approved of the system, and trusted that the individuals selected would consider it their especial duty to attend to the instruction of the negro population. He cautioned the members of his majesty's government against entering into too strong bonds upon this subject, with the white inhabitants of the islands. With respect to the subject of Missionaries, he did not clearly understand the right hon. secretary for foreign affairs; and he hoped that the reply of the right hon. gentleman would place the matter beyond the reach of doubt. Were those missionaries to be under the control of the Church establishment? He trusted they were to be considered as being under the same control as the sects to which they belonged were in this country. He did not expect that any exclusion of the missionaries, was to be attempted. God forbid that any thing of the sort should be in contemplation! Such a proceeding would be the height of injustice—the height of ingratitude—towards a body of men, to whom he would say (in spite of the obloquy that had been cast on them) the country was under the deepest obligations. The missionaries had worked hard, and alone in the field—Alone had they borne the burthen and heat of the day—They had exposed themselves to all descriptions of hardships and privations—they had gone on struggling with the most adverse circumstances; and, if any ray of light had broken in upon the moral degradation of the poor negroes, to the missionaries was the praise due for the unspeakable benefit. Their time, their labour, their health, their prospects of worldly happiness, they had cheerfully sacrificed, for the sake of achieving the good work. To them was the praise of the legislature and of the country due. He cared not whether they were Methodists, or Baptists, or Anabaptists, or Presbyterians, or by which of the numerous names distinguishing the religious sects of the country, they were called. It was enough for him that they were Christians, and that they had nobly and fearlessly discharged their duty towards their fellow creatures. The time would speedily come, when it would be the duty of parliament to take into its serious consideration the charges, which, with or without foundation, had been brought against them. He would not, by a single expression, anticipate the merits of the question, which would then undergo discussion: but this he would say, with respect to the island of Barbadoes, that if faults they had committed, those faults, whatever they were, had been greatly exceeded by the conduct of the white population in the same Island.

In conclusion, he hoped to see the various and manifold evils which had been predicted on both sides of the House, counteracted, by the right hon. secretary coming forward and holding out some hope to the slave, that the day was not far distant, when the negroes would be enabled to put forth their claim to a participation in the blessings of a free and rational government. For, if any thing could materially tend to preserve the peace of our colonial possessions, to assuage the heat and to allay the irritation which was now said to exist upon this subject, it would be some assurance from the government at home, delivered by the right hon. secretary, that the slave might live on, in the sure and certain hope, that his fetters, before long, will be broken in pieces. With pain had he observed, that several gentlemen who had spoken on the other side of the question, were anxious to extort from the right hon. secretary, some decided expression, as to the ultimate intention of his majesty's government. They would fain say, "We will allow you to go thus far; but will you promise to go no further? Why cannot you be content with a moderate experiment? See first what can be done in the king's colonies; and trust to the good sense of the colonial assemblies to follow the example you intend to set them." He hoped the right hon. gentleman would make no such concession. For, wherever the government of this country should undertake to stop, there would the colonial assemblies fix their limits. From that moment, the door of amelioration would be closed for ever; and that which he and the country at large most of all deprecated would be established in the colonies—namely, permanent and inextinguishable slavery.

Mr. *Watson Taylor* said, that he felt himself bound, in candour, to commence his observations by stating, that in the way of property, he was deeply interested in the result of the present discussion. Not that, on that account, he was at all inclined to take a limited and partial view of the subject, but that he felt that he owed great and awful obligations to the negroes themselves, who were more immediately interested in it than he himself was. Under these feelings it was, that he had always acted, in the management and protection of the negroes living upon his own estates. If it were worth the while to trouble the House with the details, he could produce them, and prove by unquestionable documents, that in every one of the numerous orders which he had sent out to the West Indies, he had expressed a constant care and anxiety for the comfortable condition of the negroes, whether in age or youth, whether in sickness or health, with respect to their diet, their lodging, their clothing, and the medicines requisite for them.

He should probably subject himself to the charge of exaggeration, were he to state some instances of the disposition which he had shewn towards the negroes in these respects. He would therefore content himself with stating, that he had laid out—and he was speaking of the last eight years—one hundred and forty thousand pounds—nearly 17,000*l.* a year—upon the negroes on his estates. He could, therefore, safely and conscientiously say, that he was without those feelings of a mere proprietor of slaves, which were apt to be charged to the account of those who were circumstanced as he was. He was ready to admit the nature of that property which had devolved upon him. It was not his fault that he had succeeded to it. He might have as much repugnance to it, in the abstract, as any other gentleman could possibly have. But he did claim this much credit for himself, that he had done all that he could by possibility contrive, for the amelioration of the condition of the negroes; and that no other consideration of equal weight, with regard to the management of his property, had pressed upon his mind, during the last ten years. He had, in one instance, removed the houses of a band of negroes from the sea coast to a considerable distance inland, because of some great inconveniences which were to be dreaded from their former situation, not only with regard to their health but their morals.

On coming down to the House that evening, he did own that he had considerable fears as to the course about to be taken by his majesty's government. He should have felt the greatest difficulty and distress of mind at finding himself under the necessity of differing in sentiment with his right hon friend; but, however painful such a difference might have been, he must have done so, had not the course pursued by his right hon. friend been remarkable for its temperance and its moderation, and, as it appeared to him, well calculated for the benefit of the colonies. The propositions of his right hon. friend should have, therefore, his hearty support. He concurred in the large and liberal views which had been taken by his majesty's government. He would not say that they had acted unjustly. He knew that they were incapable of so acting. He thought certainly, that a nation, for whose benefit and advantage, and under whose laws, the great mass of this property had been called into existence, were the responsible authors of the system; and, if it considered itself called upon to do an act of solemn duty, in gradually bringing about its abrogation, that nation would not think of doing so, without ample indemnification for the sacrifice of property necessarily made by individuals for a national object. He did not speak from motives of selfish interest. There must always be great difficulty in the treatment of subjects which depended upon great principles. The object now aimed at was unquestionably good in itself; but the attainment of it could not justify the application of improper and oppressive means.

He did not know that any charge could be made against the inhabitants of the colonies, upon the general question. He, for one, was prepared to support any measures of rational, safe, and just policy, which could be proposed, for the amelioration of the moral, religious, and social condition of the blacks. He would not dwell upon the comparative necessity of the case. Still less would he detain the House with any pictures of that happiness, cheerfulness, health, and contentment, which he could faithfully aver to be displayed in the condition of some of the property in the islands—a condition of cheerfulness, health, contentment, and comfort, which was not, perhaps, so frequently to be seen elsewhere. But, as to the charges which had been made against the Jamaica assembly, some allowance should be made. The House ought to consider, that they were placed in a situation of much difficulty. The resident proprietors stood in very different circumstances, from those gentry who resided in England. There, they were called upon to do the duty of stewards and protectors to the property of those who were enabled to discuss the question at their ease in Great Britain. Here, the proprietors were safe from every thing but the loss of their property; there, they were surrounded with other and more fearful dangers. They ought, therefore, to be excused for any hastiness, or any warmth of expression, uttered while they were tremblingly alive to those dangers. The House of Assembly contained in it many men of high legal attainments, of sound discrimination, and excellent judgment—men who would duly appreciate the temper and the moderation of government—who would gladly adopt, and induce others to follow, the example about to be set. And sure he was, that the House and the government might leave the question safely to the good sense and discretion of the assembly of Jamaica, assured that the members of that body would give their full aid and assistance to the fulfilment of the views and wishes of the legislature of this country.

Mr. *Manning* said:—Mr. Speaker; this question has been recommended by his Majesty's Speech at the opening of this session, to be treated with great temper and mature consideration—a recommendation highly desirable, as no question has been agitated for some time, within these walls, of greater interest to the nation at large. I am much gratified in observing, that this recommendation has been carefully attended to by the member for Seaford, who spoke on the part of the colonies; but whether it has been equally observed by the hon. gentleman opposite, the member for Weymouth, I shall leave to the House to judge.

It is painful, Sir, to those persons who are connected with the colonies, to hear upon all occasions, the charges which are made against the West-India planters for ill treatment of their negroes—made, as I contend, without foundation. I am unwilling to desire the House to rely upon my own statement; for although, many years ago, I passed about eight months in the Windward islands, and had frequent opportunities of observing the degree of comfort enjoyed by the great majority of the black population—I would rather refer the House to the evidence of others, in more recent times; and, for this purpose, I would ask leave of the House to state, very shortly, from the Report of the Council of Barbadoes, published the 1st of January of the present year, the evidence taken on oath of sir Edmund Williams, lieut.-col. Popham, lieut.-col. Berkeley and others, wholly unconnected with the colonies, but whose professional avocations have led them to that island—all concurring in testimony of the humanity, the kindness, and the care of the planters towards their slaves, in health, sickness, and old age.

The following is the evidence of lieutenant-colonel Popham, and the depositions of the other officers are strongly confirmatory of the facts therein stated:

"Examinant saith, that he is a lieutenant-colonel in the army, and deputy-quarter-master-general; that he has been resident in the island of Barbadoes upwards of seven years; that during such residence he has had several opportunities; and that he has reason to suppose, from his own observation, that the slaves are generally well treated:—He thinks, that a cruel owner of slaves would be held in the same abhorrence here, as he would in England.—He verily believes, from personal observation on the estates he has visited, from riding through and passing many others, having been in every parish, that the slaves are a contented and happy people, generally speaking; that they appear cheerful in the performance of their work, and that he does not recollect witnessing any severity practised upon them in the field; that they appear to him clothed in general, and in many instances well so; that the greater proportion of the houses of these people appear comfortable, having the advantages of poultry, pigs, and goats, in many instances fruit trees and a little garden; and that the markets held by them on Sunday, clearly demonstrate, that they enjoy the benefit arising from the produce and sale thereof; that he has every reason to believe, from frequently seeing medical men riding through the estates, and from inquiries made upon the subject, that they are visited weekly, and oftener if required in particular cases, by a practitioner, who is paid annually for his attendance; that very great attention is paid to the rearing of children, and that the old and infirm receive the kindest attention, as is fully proved by the very few blacks who are beggars, whereas the white population exhibit frequent instances; thus proving, that the slaves in this colony are much better off, than the lower class in England, having no care or thought for to-morrow, feeling confident that all their necessary wants and comforts will be provided for."

Such was the evidence of lieutenant colonel Popham, and the depositions of the other officers to whom I have alluded are equally satisfactory, as to the comfortable condition of the slave population of the West Indies. When, therefore, charges of an opposite nature are so repeatedly made in this House, can we be surprised, that well-educated men, and of honourable principles, should be desirous of repelling those attacks, in rather strong language, both in the colonial assemblies, and in their representations to government? We must allow something for the feelings and the prejudices of persons at that distance, and thus circumstanced. But, Sir, I must contend, that notwithstanding all the provocation to which I have alluded, considerable progress has been made, and is daily making, in the colonies, to comply with the desire expressed by this House and by the country, in the gradual amelioration of the negro population. I hold in my hand an act passed so late as the 23rd of December last, in the island of Grenada, giving to the free coloured, and free black inhabitants, in that island, the right of voting for members of the assembly, and also the privilege of giving evidence in all cases whatever.

My hon. friend, the member for Bramber, tells us we are on the brink of a precipice. Indeed, Sir, I believe we are in the situation he describes; and it would be a waste of time, under present circumstances, to stop to inquire by what means we have been led to this awful state. The commerce, the revenue, the manufactures of the country—its maritime strength, are all at issue on this question. But, before gentlemen, by their injudicious interference, had brought us into that situation, they were bound to shew us in what part of the globe productive industry has followed upon sudden and unprepared abolition of slavery. Can it be found in St. Domingo?—in Colombia?—in the United States of America?—or, under their own management, in Sierra Leone?

Sir, in St. Domingo, that once flourishing colony, producing to France several millions of revenue; employment for 6 or 700 sail of ships of 500 tons burthen; exporting from 150,000 to 200,000 hogsheads of sugar,—we find, by the latest information, that it does not now export above 3 or 400 hogsheads, and that it has even received from the Danish island of St. Croix sugar in exchange for coffee. It will also be found in president Boyer's proclamation of 20th. of March 1823, having for its object the regulation of the intercourse with the other West-India colonies cultivated by slaves, that sugar, syrup, &c. are smuggled into the French part of the colony: a clear evidence, that, after twenty years of their independence, their own production of sugar had materially diminished, and that the fertile soil of St. Domingo, with free labour, did not now raise sugar in some parts of it equal to the inland consumption.

Let it be observed also, with respect to this colony, that, so completely has it become a black republic, that no white man is tolerated in the character of a proprietor. I find, in the 30th article of the revised constitution of Hayti, dated 2nd June 1816, the following provision—"Aucun blanc quelle que soit sa nation, ne pourra mettre les pieds sur ce territoire, à titre de maître ou de proprietaire." Let us take care, Sir, that these gentlemen, who have neither local knowledge nor experience, do not drive us into the same situation!

If we look to the United States of America, we find that, so far from the free blacks in that country being remarkable for their habits of industry, one third of the prisoners in their gaols are of that class of persons. In Connecticut, out of 7,000 free blacks at the end of the last year, one third of the prisoners in the gaol were free blacks, though their numbers were only as one to 33, compared with the whole population. The prisons of New York shew a similar result. And it is a remarkable fact, that whilst the hon. gentleman opposite is so sanguine in his expectations of the happy results of free labour, there are in America several societies established, for the express purpose of getting rid of the free blacks in the several states, and sending them back to Africa. America is frequently alluded to as a country where the negroes are better treated than elsewhere; yet my hon. friend, the member for Taunton, who has ample means of information in all that regards that country, tells us, that this is not the case; and certainly we may conclude, from the fact of those societies being formed for sending the free negroes away, that they are no very valuable part of the population. A country which itself encourages other people to emigrate to its own shores, employed in sending away those blacks who fill their prisons, is a practical illustration of the danger of theoretical principles, when applied to the alteration which is suggested in the civil state of the negroes.

Let it not be forgotten either, that by the injudicious interference in the last session, we have been compelled to add, as appears from the acknowledgment of the noble secretary at war, six regiments to our military establishment, in consequence of the agitated state of the colonies; and that that interference has given occasion to the militia being called out in many of the West-India Islands; by which the expenditure of this country, and the burthen of the colonies, have been materially increased.

Let it not, however, be supposed, after this statement, that I feel the least desire to throw any obstacles in the way of those measures which his majesty's ministers, and this House, after a full and cautious consideration, may think right to recommend, for the gradual amelioration of the condition of the slaves in the British West-India colonies. On the contrary, I take this occasion to declare, that, having two estates in Trinidad, the island in which the experiment under the order in council is first to be made, I shall, without hesitation and without delay, urge upon those entrusted with the management of my property, their serious attention to, and compliance with, as far as may be practicable, the regulations suggested in that document—relying at the same time, on my own part, and on behalf of the other planters in Trinidad, that, if the course of these measures should be, as I devoutly hope it may not, productive of any serious injury, full and liberal compensation will be made by the state; and for which I think some distinct pledge should be given by his majesty's ministers.

What I wish chiefly to guard against, is the further interference of over-zealous persons, who, by their indiscreet measures, have already retarded that gradual improvement in the condition of the slaves, which in the last twenty years has been progressively going on in all the islands. Their admission to those civil rights now contemplated for them, can only be safely administered under the benign influence of religion, accompanied by education. I beg pardon of the House, for having so long intruded on their attention; but I could not reconcile it to my sense of duty to remain silent, on a question involving some of the most important interests of the state, and affecting the lives and property of some of my nearest friends in the colonies, as well as the future welfare of my own family.

Mr. *Evans* said, he sincerely believed that, generally speaking, the planters were extremely kind and liberal, but it appeared to him that it was one of the most lamentable parts of the slavery of the West Indies, that it was almost beyond the power of any owner of a plantation to give permanent alleviation to the condition of his slaves. He also thought, that the argument of the hon. member for Taunton, that a negro slave was in a more comfortable condition than the labourers in Europe, was a most unfortunate one; because it was accompanied with an admission, that the negroes were in the lowest state of moral degradation. Above all, there was one defect in the argument on that side, which could not be got over. In the present state of the laws in the colonies, where, he would ask, was the negro to obtain legal redress, in case of oppression? There was no evidence of any such thing, even in possibility. The provisions which did exist upon the subject, left him the power of complaining of ill usage to a magistrate; but, it also left to the magistrate, the power of punishing the complainant at discretion, in case he failed to make good his charge. Let the House apply that rule to our free population at home. What poor man would ever complain to a magistrate, if he were in any danger of punishment? With regard to the condition of the slaves in our West-India colonies, he thought that, as the population tables of the southern Isles of America shewed a greater annual increase in the numbers of their slaves, than we had in our settlements, we were justified in inferring, that those slaves were better treated than our own. With regard to the propositions now brought forward by the right hon. secretary of state, he only regretted, that they were not of wider extent.

Mr. *Blair* said;—The hon. and learned gentleman opposite (Dr. Lushington) having in his speech alluded to the colony of Demerara, with which I am connected, I trust I shall be excused if I trouble the House with a few words. The hon. and learned gentleman says, that the late revolt in Demerara is not to be imputed to certain proceedings of last session in this place, but to the slaves having been overworked and maltreated; and in support of this allegation, he refers to the registration returns, which exhibit a larger number of deaths than of births. Sir, I am rather inclined to refer this mortality to an epidemic which prevailed in that colony last spring, and which was extremely fatal, and I deny that the negroes there are in any respect harshly used. On the contrary, I maintain, that they are as mildly and as humanely managed in Demerara, as in the Islands, or as is compatible with a state of slavery and pressure; the hon. and learned gentleman has been studying Stedman, Dr. Pinkard, or some other works descriptive of that part of the world in former times.—Sir, there can be no doubt that the revolt in Demerara is to be attributed to the debates which took place in this House last year, and to the notice preceding them. To the agency of an individual in the colony, I know a good deal has also been ascribed; but to that I will not at present refer, as it will by and by come more regularly before us. At all events, it cannot be said that the mischief arose out of inflammatory harangues at parochial meetings, as we have been told by the hon. member for Bramber often occurs in Jamaica. There was no meeting or debating in Demerara; but the annunciation of what had been done in this House, was the signal for the explosion. —Sir, I will not enter on the general subject, as there are so many around me more competent to do so; but while I am on my legs, I will for a moment notice an argument, just used by the hon. member for East Retford, and to which a great deal of importance is attached within and without these walls; namely, that because the population tables of the southern States of America shew a greater annual increase in the number of their slaves, than we have in our settlements, we are therefore to infer, that they are better treated. Allow me just to remark, that I think a portion of this increase, on which the hon. member's argument is founded, may arise out of the transfer of slaves from the more northern to the southern States, which we know is constantly going on.—Sir, before I sit down I beg leave to unite with my hon. friend behind me (Mr. Manning) in returning thanks to the hon. member for Taunton for his able speech this night; and I cannot help thinking, though it may be difficult to reduce his recommendation to practice, that ministers should throw more decision into their measures, and let us know how far they mean to go. I conceive that unless a line be drawn, and unless we are told where concession is to stop, the negroes will never enjoy quiet, nor the planters that undisturbed possession of their property, to which they are by law entitled.

Sir *G. H. Rose* said:—I entirely concur, Sir, with those who conceive, that the cure for West-India evils is to be sought for, and is attainable, far more by moral than by legislative measures. The persuasion which I entertained to that effect last year, has been powerfully fortified by all that has happened since; and I look for the termination of those evils, not in the abolition but in the extinction of slavery, to be produced by co-operating feelings and circumstances, both on the part of the master, and of the slave; so that it shall be a natural result arising from, and concordant with, their mutual interests. I am also convinced that religious instruction, and that alone, will produce this desirable result. It is of the utmost importance to consider the actual state of christianity amongst the West-India slaves, in order that we may judge, whether we are tending towards this goal—whether experience justifies the hope, that we may reach it. And here I may observe, that, whereas the number of slaves, which I stated last year, not baptized merely, but christians attending divine worship more or less regularly, and with visible benefit to their morals, to amount to 100,000 out of 730,000, has been strenuously impugned as excessive, I can only take blame to myself, if any, for having, as I have now reason to believe, understated that amount. According to the latest reports of the Wesleyan missions, there are 25,331 members of their societies in the British West Indies; and in their recent important official statement respecting those missions, it is said, that at least nineteen out of twenty of these members are slaves; this gives at least 24,064 of that last class. The Wesleyans calculate, that there are at least twice as many more who attend, more or less closely, their worship, and are more or less benefitted by it. These two classes therefore are to be taken at 72,192. We are then to take the number of the children of the christian slaves, who of course are to be reckoned into the christian population. I find no ground for this calculation but in the Barbadoes slave census of 1817, where of 77,273 slaves, 22,989, or above two-sevenths, were of an age not exceeding ten years. I might insist on a scale including older children, and therefore giving a larger number; but by merely taking this, there are 20,606 of them to be added to the 72,192 adults, giving in all 92,798. If many of the twelve or thirteen hundred children in the schools of the church missionary society should prove to be those of Wesleyan slaves, on the other hand, many children of heathen slaves are instructed by the Wesleyans; so that the number above given of 92,798, if reduced to 92,000, may be safely taken. I took the number of Moravian slaves, at 16,000, and I do so now, having no means of knowing how many there are who profit by the worship of the United Brethren without being members of their community; and I took at 4,000, the christian slaves of other persuasions, whether of the church, or instructed by other missionary societies; and in so doing, I have now reason to believe, that I am much within the mark, and may very safely substitute 112,000 for the 100,000, which I computed in the last session to be the number of christian West-India slaves.

In making this vindication of my former statement nothing can be further from my thoughts than to maintain, that we are now to rest on our oars, and depend upon our vessel gliding surely and swiftly into port. We have done very little of ourselves, and much prejudice is to be overcome, and great exertions are to be made, and there remains a fearful mass of moral and civil, and, circumstanced as those colonies are, of political evil, to be broken down, and dispersed; and to this momentous object the attention of the legislature should be especially, and pre-eminently turned. What may be done is best testified by what has been done; and here it is material to consult the official report of the Wesleyan missionary society for 1823, published in 1824, coupling with it a statement also lately made in print by that society, that "no heathens have received the Gospel so readily as the West-Indian negroes." The report for 1823, after representing in glowing colours the deplorable moral state of the heathen slaves, adds, when speaking of the converted slaves, that "vices once thought invincible, and especially polygamy, have given place to the moralising influence of religion, so that the mission can exhibit societies in some places of between two and three thousand negroes living in the same neighbourhood, from which this evil has been completely banished, and where the benefits of the institution of marriage have displayed themselves in well-ordered, and peaceful families, most eminently demonstrating the connexion of religion with personal morals, social felicity, and the good order of society."—Now, where christianity and its consequences have thus taken root, and even put forth fruits, and where the religion offered to the slave is that of his master, there cannot be a rational doubt of its gaining complete possession of the soil, and with no tardy progress, if it is duly fostered by those hands which, as much in prudence as in duty, should exert themselves to aid its efforts.

If it be asked, how christianity is to extinguish slavery, the answer is, that its invariable and irresistible tendency to produce that effect, wherever it exists pure and animated, operates in various ways. It is the absence of marriage alone which has kept the number of the West-Indian slaves, to say the most, stationary. This cause alone explains this fact fully; and none other will. On the Isle Rhonde, one of the Grenadilla Islands, in 1790, there were 150 slaves; christianity, and its handmaid marriage, were introduced amongst them; and, in December 1821, they were in number 284 by mere multiplication of the original population, and have therefore probably by this time doubled the 150 existing in 1790. It is palpable, when numbers increase thus, whilst the sugar market, and consequently the extension of cultivation, cannot, how much the value of slaves will diminish, and to how much lower a price manumission must fall; and that we may know, that the industry will exist, which will acquire money, and that there will be the frugality, which will cause it to accumulate, it should be observed, that the Wesleyans state, that the christian slaves always acquire a little property. Be it further observed, that the christians, in the settlements of liberated negroes at Sierra Leone, who were utter barbarians but a very few years since, not only maintain themselves in comfort, but export surplus produce. There will then be free labour to be hired; and no one can doubt of its superior cheapness, or that the proprietor will prefer a mode of cultivation, which will deliver him from all the uncertainties, the apprehensions, and the various responsibilities, attending its present shape.

Christianity will put an end to that disgraceful state of concubinage with the whites, in which so many of the brown women live. It begins to produce this effect. Marriage must take its place; and thence new beneficial relations, and feelings between the two races will arise, all tending to hasten the extinction of slavery. When the slave shall present in his conduct a living picture of the moral effects of the Gospel, the objections to receiving his oath must disappear. His master will, in every respect, view him in a light wholly different from that, in which he has beheld the thoughtless, ignorant, barbarous, sensual negro: and the interests of both, and their feelings, will naturally tend to a state of things unattainable by mere political enactments. It is but justice to the West-India proprietors to say, upon the authority of a document, respecting which it should be observed, that the impartiality with which it is written, and the extent of means of obtaining full and correct information, are unimpeachable—the Wesleyan report already referred to—that there is amongst many of them "an increasing concern for the religious welfare of the negroes;" and that "not a cold permission as formerly, has of late been given by many proprietors to allow the missionaries to visit their estates, but the good offices of missionaries have been solicited, and that not only on the ground of the interest which every proprietor must have in the improved moral condition of his people, but, in some instances, from a conscientious regard to duty, and a pious concern for their moral, and eternal happiness."

Mr. *William Smith* said:—Sir, I do not mean at this hour to enter into a general discussion of the propositions immediately before the House; but I must acknowledge, that I, among others, am much disappointed at finding that what we regarded as the pledge given last year, has not been more completely redeemed: nor can I imagine a situation of affairs in which it would have been more justifiable for his majesty's ministers to have "applied to parliament for counsel," than under the conduct pursued, and the language held in several of the colonies—fearing as I do, that, if now foregone, that step will eventually be found necessary, and perhaps in circumstances of greater difficulty; unless indeed (which I am in the last degree unwilling to suppose), the purpose of government be shaken as to the grand object to which it stands engaged.

Sir, we, the enemies of the slave trade and of slavery, are accused of bringing forward, on every occasion, stories of enormous cruelties, as of frequent occurrence, which, it is contended, have been so seldom committed, that even those who build their arguments upon them are obliged perpetually to have recourse to the repetition of the same statements. If, indeed, we were desirous of dwelling on these topics, it would not be difficult to find a very sufficient number of instances without ever repeating the same tale; but I, for one, do not mean to rest the case in the slightest degree, on these tales. My strong ground is, that whenever and wherever man holds his fellow man as a slave, as property, as a disposable chattel, the uncontrolled passions of human nature will inevitably break out in frequent acts of violence, and that such do and must continually occur, without the possibility of subjecting them to the animadversion of law, or even to public notice. And that of which we always have complained most, is, that when enormous abuses of this kind have been detected, the local authorities, though representatives of his majesty, have often found the greatest difficulty in bringing the parties to justice. In that most atrocious case of Hodge of Tortola, governor Elliott wrote word, that he was actually obliged to draw out the militia of the Island, in order to prevent a rescue, and secure the execution of a man who deserved a thousand deaths. Here, in the recent dreadful affair of Thurtell, the only fear was, whether public indignation would allow the criminal a fair trial, there, whether, after trial and conviction, Hodge would not be rescued. In another case which happened to fall under my own more particular observation, they were actually obliged to remit a portion of the established punishment, because the resident planters of the colony were full of murmurs, that a manager should be punished for an offence, for which in this country scarcely any punishment would have been thought too severe.

It is said, that the slaves are at this time in a state of great ease and comfort; I confess, Sir, I have considerable doubts on this head. I have no doubt of their situation being somewhat improved; the rigid scrutiny which these matters have undergone in this country during many years has let in light, and some of the most crying grievances must have been diminished; but I am old enough to recollect, that when we began the investigation of this subject above thirty years ago, most of the admirals and captains of the Navy, whose connexions and acquaintance led them to see the fairest side of things, then represented the state of the slaves to be as happy, comfortable, and desirable, as it is described to be at present. When abuses and evils are mentioned as now practised, it is said, "You are stating things as they were twenty or thirty years ago." When I look to twenty or thirty years ago, I find their existence at that time as strenuously denied then as now. The inference is undeniable. The general existence of the abuses has been proved beyond the possibility of refutation; and as they have been progressively exposed, and in some degree corrected, each successive race has endeavoured to shift the guilt and the odium back on its predecessors. But it is enough for me to remember, that the negroes still are slaves, and slavery is a state irreconcilable with the nature, the rights, and the duties of man; and to retain him in that state, for the benefit of another, is the grossest injustice.

I am not at this moment meddling with the question of compensation; but I say, that this country never had any more right to transfer, or permit to be transferred, property in African slaves, to any of its subjects, than it had to transfer property in Frenchmen. Why do we reprobate and detest the conduct of the Algerines? I ask, how we dare to do it? Have not the Algerines as complete a right to go and catch Spaniards, as we ever had to catch Negroes? I maintain firmly, that if all nations were to join to make over one single African in property to any man under heaven, it would be an act of mere barbarian force, and utterly void; nor could it deprive that man of his right to regain his liberty; that is to say, his possession of himself, whenever in his power. As against Great Britain, the West Indians may have much to urge. I do not deny that there may be guilt in the conduct of this country which may call on us to buy out of their hands those of whom they have most unjustly obtained possession, with our connivance or encouragement: but that question must be argued, and modified on its own merits:—it does not touch the right of the slave; and whenever we can put him in a situation wherein he can safely enjoy freedom, it is our duty so to do, and to employ, for bringing this about, the best means in our power. But I lament that there is this great difference between us and the West-Indian proprietors. We say, that all these means should be adopted, with the view and intention of ultimate emancipation. This they deny. They say, "We may perhaps carry into effect such of the proposed regulations for the well-being of the negroes as shall approve themselves to our own discretion, and to that extent which we shall judge right; but as for abolishing slavery we utterly refuse it!" I say, Sir, it is our affair to see that business performed; and until we do see it put in a train of accomplishment, we are neglecting the most solemn duty which lies on this country, or which can be imposed upon it.

Sir; with respect to the rumours circulated in the West Indies, or transmitted from thence hither, having read the accounts of past times, and compared them with the facts, I scruple not to assert, in the teeth of all the prophecies and denunciations of impending insurrection as the certain consequence of the agitation of the abolition of the slave trade, that there never did exist a period of equal length in which there were fewer insurrections than there have been since the abolition; and I would just hint, that when the real cause of the insurrection in Demerara comes to be inquired into, I believe a very different opinion will be formed on that subject from that which has been so industriously promulgated. It is said, notwithstanding all this outcry, the slaves are extremely happy—if so, I am glad to hear it—but I am sure that, as long as that happiness may be destroyed at the will of the owner, or of the executor, or any person into whose hands they may chance to fall; that is, while they have no security for the happiness they enjoy, it deserves not the name; the well-known couplet,

> "For forms of government let fools contest,
> Whate'er is best administer'd is best,"

has this great defect, that it omits an ingredient of the highest importance to excellence—security. If a government be well administered, and you have a complete security that it ever shall be so, the form of that government would indeed signify little. But one great reason for preferring one government to another is, not merely that we think it better administered for the present, but because we conceive its peculiar form to afford a greater security for the continuance of the benefits it confers.

Sir, with respect to the question of the independence of the West-Indian legislatures I do not now say much. The right hon. gentleman deprecates the discussion; but I must put one extreme case. Every gentleman who has turned his attention to this subject at all, must remember the quarrel which took place between lord Seaforth and the legislature of Barbadoes, when he wanted to make the murder of a slave felony, and they refused; which refusal he referred to the government at home,—I beg leave to ask any gentleman in this House, whether, supposing the legislature of Barbadoes had continued contumacious, and had sent word home by successive governors, that as long as they continued a legislature, so long the murder of a slave should never be made felony in that island — whether, I say, the government of this country would have been justified in permitting such a state of things to remain there, or in any one dependency of the British Empire? I will not enlarge on this head, but I commend it to most serious attention.

I must also take the liberty of hinting to gentlemen, by way of putting them upon their guard, that when we began, in the year 1787, to attack the slave trade, there was not one single laudatory epithet which is now bestowed on slavery itself in the West Indies, that was not bestowed on the trade. That abominable traffic was then represented as in no degree immoral; as contributing to the happiness of Africa; as in the highest degree promoting the wealth and prosperity of this country. It was said to be of high importance, in a political point of view; that as to its morality, none but fanatics and enthusiasts ever thought of finding fault with it. This was the character given, in 1787, of an occupation which, in 1807, was entirely abolished, as contrary to every dictate of justice, humanity, and religion; to which since that time the penalties of felony have been annexed; and which is now about to be proscribed as piracy — "hostis humani generis" — by the joint voice of England and America, and to the immortal honour of both countries.

Sir, within my recollection also it was contended, that it would be politically immoral if compensation were not given when this very slave trade was abolished. It was said, that the country was bound to support it; and the West-India planters joined with the Liverpool and Bristol slave traders in representing, that if the trade were forbidden, they too were injured, and were equally entitled to demand compensation for the suppression of a traffic which has since been so justly reprobated through all Europe, and in the condemnation of which they themselves have very properly joined.

Sir, I have derived so much pleasure from the information given to the House this night by the right hon. gentleman, of what is about to be done on this head, that I really could not sit down without expressing what I felt upon the occasion, both on the measure itself and the gratitude due to him for having accomplished it. Sir, a very respectable gentleman, (long a member of this House)—I mean Mr. Barham,—has lately written a pamphlet, in which he treats largely of compensation to the colonies, but begins by advising his fellow proprietors of West-Indian property to take the whole question into their most serious consideration and to prepare for the inevitable events:—"for," says he, "if the government be not sincere, and I will not do them the injustice to suppose that they would come forward with such propositions if they did not really intend to carry them into execution,—but if they be not sincere, it is not in their power to stop it; the emancipation of the negroes must ere long take place, and if the government were to use all their efforts to the contrary, it would not be in their power to prevent it."

Sir *Robert Wilson* inquired of the right hon. secretary of state for foreign affairs, if the regulations now brought before the House were to be extended to the Cape of Good Hope, the Mauritius, and all our other colonies? He wished also to know, whether the 12th clause, which ordered, that no negro should receive more than twenty-five lashes "at any one time," meant, that the master might, for the same offence, but at some other time, tie up the slave, and, before his back was healed, again punish him?

Mr. *T. Wilson* said, he had been at Grenada, and had there seen none of those scenes of wretchedness, which had been described by some of the hon. gentlemen opposite. He would briefly advert to what had fallen from his hon. friend, the member for Norwich, as to the comparative infrequency of insurrections. In his opinion, this had arisen from the circumstance, that since the abolition of the slave trade, and in consequence of the discussion which the question had undergone, the inhabitants of the colonies had been more on their guard, and kept a constant watch. Insurrection, therefore, had rather been prevented by their own vigilance, than by any improvement in the habits of the slaves. The hon. member denied that free labour would be so profitable as slave labour, and asked, who was to feed the negroes, provided they were emancipated; as in that case they assuredly would not work. He thought, that if the question was to be pressed forward in the manner which the hon. member for Bramber seemed to desire, the gentlemen connected with the West Indies would do wrong to give any consent to it, unless they had something like a pledge from the government, that compensation should be afforded to them. He was satisfied, that the measures proposed by his majesty's ministers for proceeding gradually, were the best that could be devised to meet all the difficulties of the case; and therefore they should have his cordial support.

Mr. Secretary *Canning* rose to reply, and said:—Mr. Speaker; had I not been called upon in so direct a manner by some hon. gentlemen in the course of this debate, it was not my intention to have offered myself again to your notice; and in addressing you at this late hour, Sir, and after so full a discussion, I am sure it will be agreeable to the House to hear that it is by no means my intention to trespass longer upon its time than may be necessary for replying to the questions which have been put to me.

And first, Sir, in reply to the question of the hon. member for Southwark. The hon. gentleman wishes to know, whether the order in council forwarded to Trinidad, is to be communicated to the other colonies which he has named? Communications have been made to the Cape of Good Hope, and other eastern settlements, but of the result of those communications I am yet without information. With regard to the other question respecting the use of the whip, and the number of lashes which a master is to be authorized to inflict on his slave as punishment for an offence—I have no hesitation in saying that my construction of the words "at any one time," which are to be found in that order, is, for any one offence.

I come next, Sir, to the more important questions put to me by my hon. friend the member for Bramber, and by the hon. member for Taunton. I confess it appears to me incorrect to call the order in council an *experiment*. The proper term to apply to it is, an *example;* and I trust, Sir, it is an example which the rest of the colonies will feel it both their interest and their duty to follow, without any interference on the part of the government at home. With respect to such interference, however, I wish to be understood as reserving to myself the right of acting as circumstances may require. I have already described the different kinds and degrees of interference which might be employed towards the colonial legislatures, should such a course become necessary; but I must repeat that I deprecate any such interference except by way of admonition and advice, unless as a last resource or in an urgent extremity. The power exists;—but any practical application of it ought to be most cautiously avoided, until all other means shall have been tried and found unavailing.

The hon. member for Taunton, has charged the government with delay, with want of decision, with agitating this great question, session after session, and still without any intelligible determination; with being, in short, like the hon. gentleman himself, as much on the one side as the other. This is the hon. gentleman's statement. Now, let us look at the facts. In the Month of May, 1823, this question was moved for the first time by the hon. gentleman opposite (Mr. Buxton.) The government then also for the first time declared its intention to take the question into its own hands. Only nine short months have passed over since the question in its present shape was first agitated; and the government now comes forward, and through me its humble instrument, proposes a measure which, whatever other gentlemen may think of it, seems to be so satisfactory to the hon. member for Taunton, that he carries his approbation of it even beyond those who propose it; he expects even more from it than the government itself. Yet after having bestowed this extraordinary share of approbation on the measure proposed by the government, the hon. gentleman assumes the lecturer's chair, and proceeds to censure us alike for what we have done, and what we have omitted, and to tell us what we ought and ought not to do. The hon. gentleman on this as on some other occasions, reminds me, Sir, of certain members of this House, who were so well described by Mr. Burke forty years ago: "There are," said that eloquent statesman, "a certain class of persons who when they rise in their places, no man living can divine from any known adherence to parties, to opinions or to principles, from any order or system in their politics, or from any sequel or connexion in their ideas, what part they are going to take in any debate. It is astonishing how much this uncertainty, especially at critical times, calls the attention of all parties on such men. All eyes are fixed on them—all ears are open to hear them; each party gapes and looks alternately for their vote almost to the end of their speeches. Whilst the House hangs in this uncertainty—now the hear, hears! rise from this side—now they are re-bellowed from the other, and that party to whom they at length fall, from their tremulous and dancing balance always receive them in a tempest of applause." And now, Sir, just as forty years ago, there are gentlemen who get up late in the night, when the debate has reached a certain stage, and make a speech so nicely balanced this way, and that way, a piece of blame here, a piece of praise there—with censure and applause so beautifully blended and contrasted, that no man can venture to pronounce which ingredient predominates. To such gentlemen nothing certainly could be so disagreeable as to find the government taking upon itself the part of mediator, and thus occupying the situation which they considered as exclusively their own, and which, it appears, on the present occasion, the hon. member for Taunton was particularly anxious to occupy. He would fain have had the government assume a different course, and say to those who want all,—you shall have nothing,—and to those who wish to retain every thing, you shall give up all—in order that he might have had the opportunity of correcting the extravagance of the government, and saying "no—you must make one party concede this, and the opposing party, give up that; a government ought to avoid the excesses of a partisan." This, Sir, is exactly what the government has done. It has as I have said, assumed the position of mediator; and the hon. gentleman appears to be exceedingly disappointed that the situation which he had marked out for himself is thus filled.

The post of mediator being thus occupied, the hon. gentleman is now all for extremes; "Why do you thus hesitate?" says the hon. gentleman, "why temporize with the question? why not decide it once for all, and settle it for ever? If there be any danger in decision, you ought to meet it manfully, and look it boldly in the face." This, Sir, is advice very easily given by those who are not responsible for the consequences of following it. But the hon. gentleman's advice and example are not in exact accordance with each other. If like him we had balanced between theory and practice, we should have done nothing. But keeping his wisdom for himself, to us he gives advice, which would be sure to lead us into difficulties. "Look the danger boldly in the face," says he. Allow me to ask, what does the hon. gentleman mean by looking the danger boldly in the face? for I protest I do not understand him. Does he mean that slavery shall continue as it is? or does he mean to recommend immediate emancipation? If the honourable gentleman counsels either of these extremes, and will have the goodness to say which of them he means to counsel, he will be at least intelligible—he will have recommended a decisive measure. The bold course of which he speaks would undoubtedly be, to adopt one of these extremes; but in the most perfect sincerity, I declare I cannot make out which of the two is his favourite. The government, however, has adopted a middle course; and this milder mode of proceeding is precisely that, which, if we had adopted either of his bold courses, the honourable member would have been delighted to have an opportunity of recommending.

The course now proposed by his majesty's government will, as we believe, effect every thing which, after mature deliberation we believe can be safely attempted at this time. I know that there are persons connected with the West Indies, who wish to force the government to say more on this subject—to extort from us a further declaration of the views which we entertain for the future. They wish us to give a pledge that no more shall ever be done than is now proposed. But I will not commit myself on this subject.

The honourable gentleman opposite (Mr. Buxton) is not more vehement in his abhorrence of slavery in the abstract than I am. But I have a repugnance to abstract declarations. I am desirous of acting on this, as I would do on all other occasions, on the best information that I can obtain, with a view to practical benefit: I am desirous of taking moderation, equity, justice, and sound policy, for my guides. But I will not consent to be fettered by any engagements express, or implied. I will not be led by either side, or in either sense, to declarations from which it may be impossible to advance, and dangerous to retreat. If it would be improper to declare an intention of stopping here, it would be equally improper to hold out any pledge of ulterior and accelerated measures. The question is not—it cannot be made—a question of right, of humanity, of morality merely. It is a question which contemplates a change, great and difficult beyond example; one almost beyond the power of man to accomplish—a change in the condition and circumstances of an entire class of our fellow creatures—the recasting, as it were, of a whole generation of mankind. If this be not a question requiring deliberation—cautious and fearful deliberation, I know not what can be so. Sir, we must proceed in it with the extremest circumspection; we must watch the signs of the times, taking advantage of every favourable occurrence; but reserving a discretion and freedom of action, which it would be madness wantonly to throw away.

Whatever, therefore, may be the opinion of the hon. member for Taunton, I will not consent to depart from the course, which, after the most mature consideration, the government has determined to adopt. I will cheerfully resign to him either of the extremes, between which alone he conceives the choice to lie: but I will not be shamed by any thing which the hon. gentleman can say out of our moderate and middle course of policy, into one which, because we have not adopted it, he calls by the name of decision, but which, if we had been unadvised enough to engage in it, he would justly have characterized as rashness.

The question was then put, and leave was given "to bring in a bill, for the more effectual Suppression of the African Slave Trade."

HOUSE OF COMMONS.

Wednesday, March 17.

Petition of Henry Dundas Perrott, complaining of Ill-treatment from the Admiralty Board.] Mr. *Hume* presented a petition from Mr. Henry Dundas Perrott, late a lieutenant in the royal navy, complaining of the treatment he had experienced from the Board of Admiralty, and praying the House to refer his case to the twelve judges. The hon. gentleman observed, that while there was any prospect that the injustice of which the petitioner complained might be remedied in the proper official quarter, he had advised him to abstain from any application to parliament; but that now, as all hope of that nature seemed to be at an end, he submitted the circumstances of that injustice to the House. It appeared to be a very hard case. After the most careful examination of the various documents illustrative of the subject, it seemed to him, that by those documents the petitioner's statement was completely borne out. Undoubtedly, there were circumstances which could be thoroughly known only to official persons; but, speaking from all the information which he had been able to obtain, he repeated, that he thought Mr. Perrott's a very hard case. It appeared, that Mr. Perrott entered the navy five-and-twenty years ago, when he was very young, For fourteen years he had been in constant and arduous service; having, during that time, been present at the capture of no fewer than three hundred ships; and having been employed, on thirteen occasions, in cutting vessels out of harbour—an enterprise generally attended with considerable danger. In seven of these last instances he had commanded the boats and launches employed on the service, particularly at Boulogne, where he had had to face a very superior force, and was for a long time exposed to a most heavy fire from the enemy. While on board the Hebe frigate, he received a wound, the result of which was the loss of his arm; and he was thus disabled from any of the ordinary means of getting a livelihood. In addition to all this, he had contributed, during the period he had just described, to the saving a great many lives. For the severe wound he received when he was a midshipman, a pension had been granted him; but that pension he had lost on his promotion to a lieutenancy. It appeared, that, up to the year 1812, Mr. Perrott's services were generally allowed by his superiors, and that he was considered by them to be a very distinguished officer. In that year, however, an action was brought against him, on a charge of having received 23*l.* from a man of the name of Robert Bullen, for obtaining him a protection from impressment. Affidavits having been made on the subject, a warrant was issued. Mr. Perrot's residence was searched, and his writing-desk broken open, in which were certainly found some papers, shewing that he had had some money from Robert Bullen. That was not denied; but the question was, whether or not he had received that money as the price of the protection alluded to. The matter was brought to trial, and Mr. Perrott being convicted, was sentenced to two years' imprisonment, under the act of the 30th Geo. 3rd, for receiving money under false pretences. But the petitioner complained, that he had not been able to procure a copy of the indictment until the day of his trial, so that he was wholly unprepared for his defence, and had been unable to collect such evidence as would have rendered his innocence manifest. The consequence was, that he was committed to prison, and that three days after, by order of lord Melville, or whoever was at the head of the Admiralty at that time, his name was struck out of the list of the royal navy. At that time, the petitioner was in very embarrassed circumstances. Like many other young men, he had lived too freely; not having sufficiently adverted to what must be the natural effects of his extravagance and folly. The consequence was, that he was very poor himself: and his friends were so little able to assist him, that it was a long time before he could bring his case to a re-hearing in a court of justice. At length, in the course of the year 1814, while he was yet a prisoner, the case came to be reheard in the Court of King's Bench, before the late lord Ellenborough, whose sentence was to this effect: "that, on hearing counsel on both sides, and there appearing to have been errors in the conduct of the prosecution, the verdict must be reversed, the defendant be restored to all he has lost by it, and forthwith discharged out of custody." Affidavits were made by Robert Bullen, his wife, and other persons who had been principal evidences on the trial, proving that the protection which had been found was not filled up by Mr. Perrott, but by a clerk. If, then, these circumstances were true—if the court reversed the sentence under which the petitioner had been dismissed from the navy—it was but common justice to the petitioner that, having served so long and with such distinction, and having lost his limb in the service, he ought to be reinstated in the rank from which he had been dismissed He was of opinion, that the petitioner had been made the victim of an atrocious conspiracy. But, even if the petitioner had been guilty of the offence with which he was charged, he would put it to the House to say, whether, after the length of his services, after he had been wounded in the course of that service, it would be right to leave the unfortunate petitioner in a state of absolute starvation. It had been decided by lord Mansfield and by lord

Kenyon, that the half-pay to officers was given as a reward for services; and it was contended, that there existed no right to take away the half-pay of an individual officer. The case of the petitioner was one of the most cruel that had ever come within his knowledge; and he hoped it would receive consideration. He was aware that it might be more regular to move for certain official documents in order to ascertain whether every statement in the petition was exactly true, and then to submit a specific motion on the subject, but he was satisfied that there would be but little chance of carrying any motion against the wishes of ministers. Now, it was very true, that a court martial had sat upon Mr. Perrott, previously to his indictment; and that three charges were exhibited against him, for going ashore after sunset; for saying, on one occasion, upon deck, that the first lieutenant of the ship was a dangerous man; and for disobedience of orders, in refusing to send the men aloft. Upon two of these charges the court acquitted Mr. Perrott; but on the other they certainly pronounced him guilty. But he could not imagine, that that finding ought to have had any influence upon the Lords of the Admiralty in considering another and a later charge which was brought against the party in a court of justice, for obtaining money under false pretences. And yet, that such an influence did operate on the Admiralty, he was warranted in inferring from their conduct in respect of the accusation which a foul conspiracy had preferred against this individual, "that he had taken money in order to obtain a protection for a man named Bullen; he having no power to obtain it, and well knowing the same." The petitioner now stated to the House, "that for several years past he had been scarcely able to obtain a meal, and was in want of almost the common necessaries of life;" and he concluded his prayer in these words:—"Let not a nation so famed for its generosity, allow a man, whose limbs have been mutilated in its service, to suffer from want of that bread which it accords so freely to the natives of other kingdoms." He (Mr. Hume) had taken great pains to make himself master of all the facts which were alleged in this petition; but he had not had access to the records of the Admiralty, so as to be able to see what colouring they might receive from other sources [hear]. The petitioner concluded, by praying, "either that the House would be pleased to refer his case to the twelve judges, in order that it might be ascertained what compensation should be granted for his past services, considering his present inability to obtain any other livelihood; or that it would grant such other relief as its wisdom might deem proper.

Sir *George Cockburn* lamented, that the hon. member had gone so much into detail on this occasion, inasmuch as it compelled him to do so too in replying to his statement; and he lamented the circumstance the more especially, because he had received letters from some members of this party's family, requesting him not to go into the full exposure of his case. Had the hon. member thought proper to content himself with merely bringing the petition up, he (Sir George) would not have felt it necessary to take the step which he was about to do. The hon. member's proceeding, however, compelled him to it; and the case itself was so monstrous as to leave him no choice. The facts were simply these:—This Mr. Dundas Perrott, being a lieutenant in his majesty's navy, informed a person that he could get a protection from the impress. That person was a poor unfortunate servant-woman, who really imagined that Perrott could procure a protection for her husband, Robert Bullen. He required an advance of money for the purpose; and she gave him that money. He soon afterwards pressed her for more, which she again furnished. He still applied for money, in order, as he said, to fee the clerks at the Admiralty. She had parted with all the cash she had, and borrowed a sum to meet his demands: but still the man wanted additional funds. The poor woman was unable to raise them; but she happened to possess a small furnished house of her own, and actually took away her furniture and sold it. In conclusion, the man was pressed; and the unhappy wife, after having vainly sacrificed her all, went before a magistrate. That magistrate considered it proper, upon a hearing, to send the matter before another tribunal; and evidence was then gone into, which clearly proved, that a more iniquitous case was never yet produced before a court of justice. The Lords of the Admiralty, and the service generally, were filled with indignation at the detection of such misconduct in an officer who had the honour of bearing a commission in the royal navy. The House had already heard that the petitioner was sentenced to a long imprisonment. After he had been in prison some time, it was discovered that there had been such a flaw in the indictment, that the lord chief justice held him to be entitled to his release. Upon this, the Admiralty, who had conceived no previous indisposition towards the party—(a fact which was established by the previous circumstance, that though, by reason of the sentence of the court-martial, he was already under martial law, yet had they reinstated him in the service, under that favourable feeling towards a wounded officer which they would always entertain)—the Admiralty immediately sent all the law proceedings to their legal advisers, and asked them, whether there was any thing in them which might have the effect of doing away with the legal crime that Mr. Perrott had been supposed to have committed. The Admiralty counsel and solicitor were of opinion that there was not. The affidavits which had been to-night brought to the notice of the House, were transmitted to Mr. Jervis, the counsel for the Admiralty, and to the Admiralty solicitors, that they might look into the whole of them again, and see whether they contained any thing which might mitigate the petitioner's guilt. As to that part of Mrs. Bullen's deposition which the hon. gentleman relied upon, the House would recollect, that she made an affidavit of the criminatory circumstances in court, and upon oath. Her voluntary deposition, now made, could be of no importance, therefore, to the question. As to the Admiralty, they would have been very happy if Mr. Perrott could have made out the case he now brought forward; for as it was, it had cast a stigma upon the service. It remained, however, to be added, that after Perrott was seized, there was found, among his papers, and in his own handwriting, a forged discharge. In answer to what was stated about the petitioner's losing his former pension, it was to be observed, that it was very true he had, while a midshipman, enjoyed a pension on account of the wound he had received: but when he was promoted, he gave up the pension, according to the well-known custom of the navy. Now he was dismissed the service, he got neither that nor his half-pay. But this was matter of course. If a person who had been a clerk in a public office, afterwards was pensioned, and it should appear that he had misbehaved himself in so extraordinary a manner, that his pension should be taken away, he could not go back and demand his clerk's pay. As to this petition being brought up, he did not know whether it was worth while to oppose it; but he should do so, unless the House should wish to hear it read, in order to be more fully informed of facts to which, he presumed, he had now given a sufficient answer.

Mr. *Hume*, in explanation, contended that the question was, whether the facts that had been sworn to against the petitioner were proved or not. By the affidavits which he held in his hand, it appeared, as he maintained, that they were not proved. This petition had been handed to him by sir Edward Perrott; and in answer to a question which he had put to sir Edward, as to whether he was prepared to meet any statement that the petition might occasion in parliament, sir Edward had replied, that he was quite willing to do so; and that he was most anxious it should be presented without loss of time.

Sir *G. Clerk* said, that it had come to the knowledge of the Admiralty, that some members of the petitioner's family had tampered with Mrs. Bullen before the trial, and offered her the money out of which she had been defrauded, if she would not appear against the petitioner. After the verdict, it was not a question for the Admiralty, whether the indictment was found deficient on technical points, but whether the petitioner was morally guilty.

Sir *Isaac Coffin* would be glad to know, whether gentlemen could suppose that any Admiralty in the world would be so inhuman, as to refuse relief to a man who had suffered so much in the cause of his country as the petitioner appeared to have done, if there did not exist some strong case against him.

Mr. *Croker* assured the House, that had there been any doubt in this case, the Admiralty would have given the benefit of that doubt to a person in so interesting a situation as that of a wounded officer. He would mention a single fact, which, he thought, would go far to satisfy the minds of gentlemen upon the merits of this case. It was a fact that took place, he would assume, without the knowledge of either of the parties, but while this fraudulent negotiation was going on between Perrott and the poor woman. Perrott now denied that there was either fraud or negotiation on his part: whilst Bullen and his wife asserted, that there were both. It did happen, however, in the meanwhile, that application was made at the Admiralty for a protection, and by whom? By sir Edward Perrott. To sir Edward he imputed no improper design; and all that this circumstance imported was, a hope, perhaps, that the respectable name of a baronet might give the application an additional chance of success. Such an application, however, was made for a protection, and for whom? Why, for Robert Bullen; and when the whole matter as to Perrott's conduct came out, among that person's papers, there was found a forged protection for Robert Bullen, in Perrott's own handwriting.

Mr. *Agar Ellis* was bound to state, that such a case as that brought forward by his hon. friend he had never heard. The explanations of gentlemen opposite must have quite satisfied the House, as to the impropriety of proceeding further in the matter.

Mr. Secretary *Peel* said, that the petitioner was found guilty by a jury, and he now appealed from the decision of a jury, stating that he was innocent of an offence of which that jury, on their oaths, had said he was guilty. This, he believed, was the first attempt that had been made to establish a precedent, the dangerous consequences of which it was not necessary to dwell on. With respect to what had been said about affidavits, four out of five of the affidavits which parties made, complaining of the administration of justice, were framed in the same way. There was one plain answer to these affidavits—why were not the persons by whom they were made examined in open court? No, they shrunk from such examination; but were ready enough to come forward with affidavits, where they were not exposed to the penalties attendant upon perjury.

Mr. *Hume* said, he would not press the House to a division, but he thought the petitioner intitled to the commiseration of the country.

Mr. *Peel* added, that he might have objected to the reception of the petition, on the technical ground, that it prayed for pecuniary compensation.

Mr. *Monk* recommended Mr. Hume to withdraw the petition; and the latter, with the leave of the House, complied with the request.

REFORM OF PARLIAMENT—PETITION OF MR. WORGMAN SUGGESTING A PLAN.] Mr. *Hobhouse* said, he held in his hand a petition praying for a Reform in the Representation of the people in parliament. Though favourable to the principle of parliamentary reform, he certainly could not concur in the prayer of his constituent, from whom this petition came; still, however, as the petition was drawn up in language respectful to the House, he thought it ought to be received. The petition was from Mr. George Worgman, a jeweller, in the Strand. He prayed that the House might do away with the complex machinery at present used in borough elections—that they would repeal the acts against bribery and corruption at such elections. By these means, he thought the higher orders would be duly represented. It was the higher orders, the petitioner thought, and not the lower, which were not duly represented in that House. He further thought, that if the laws against bribery and corruption at elections were repealed, that influence might be openly exercised which was now carried on through dark and secret channels; that an advantage would arise from giving to men of property sufficient to purchase the patronage of a borough, that fair representation in parliament to which such property was entitled. He also prayed, that the House would sanction by law the open purchase and sale of seats in that House. It was well known, the hon. member observed, that such bargains daily took place, and he could see no objection to making those seats, which were now the objects of secret bargain and sale, open to the public competition of such as might be disposed to expend their money in that way. The petitioner, in speaking to him on this subject, had stated, that this was the only kind of reform to which it was likely the House would agree, and he thought it would be attended with many advantages. The last prayer of the petitioner was, that large towns, such as Birmingham and Manchester, should be empowered to return members, in order that the balance might be kept true by the representation of the popular interests, and in order to keep open the channels for aspiring candidates who might wish to advance to official appointments. The plan of Mr. Worgman was therefore no wild or visionary project, incapable of being rendered intelligible, but a plain, comprehensive scheme, which certainly had some plausibility to recommend it. The petition was very respectfully worded.

The petition was then brought up and read; setting forth:

"That the House, during the reign of Edward the First, and for two centuries following, was summoned chiefly to vote supplies to the Crown, and to sanction the public acts of the ruling power; while so doing it exercised the right to protect the interests of the people, by promoting judicious laws, consequently the vital interests of the Crown and of the Barons (the great landed proprietors) were deeply concerned in its decisions; that the Crown and the Barons, in those early times, by means of their high stations and their landed possessions, influenced the electors in very many boroughs, and took especial care that the members returned should be parties interested in guarding their high privileges in the House; and moreover, that by those means it has occurred, that the great majority of Boroughs were never under the influence of the popular interest; that during the fatal conflict between the houses of York and Lancaster, the great power of the Barons was considerably lessened by the ravage of war, and by attainder, and further by the policy of the house of Tudor, which tended to enrich the Commons, and to repress the ancient Nobility, by opposing the growing power of the House to the unruly licence of the Barons, and by tacitly acquiescing in its assumption of new and great privileges, and legislative authority, which the Sovereign, by means of his great influence, occasionally made use of as an engine of state; that during the reign of the Stuart Family, the popular interest in the House obtained so firm a hold on public opinion, by its successful endeavours to reform the government, that it was enabled to outvote the members deputed expressly to guard the interests of the Crown and of the Nobles, which curb upon the representatives of the people being reduced below a useful standard, the popular interest propelled the machine of government into the most unwarranted excesses; that at the glorious Revolution of 1688, the coercive power of the government (consisting of King, Lords, and Commons) was combined, and became indissoluble in the House, principally through the wisdom of their proceedings, and the singular spirit of the representative system, which introduces members deputed by the King, Lords, and Commons, to guard their rights and all other preponderating interests; even those great dependencies on the Imperial Crown of these realms that have not the legal right to elect members to protect their interests in the House, do, by dint of property and connexions, through the medium of Boroughs, introduce Deputies, by which happy facility impartiality is secured, and the House has become the efficient governing Senate of this extended Empire, and diffuses the coercive power over its vast and disjointed territories; consequently, it is no longer the representative assembly of the Commons, charged principally to vote supplies to the Crown; that a more efficacious Senate could scarcely be constituted by any modification of the Election Laws, yet, the petitioner is of opinion, that there exists a strange anomaly between the letter and the spirit of those laws; the letter of the laws ordains, that by means of County, City, and Borough Elections, the people of the united Kingdom, or the popular interest, shall be represented in the House, without ordaining any mode of election for many other great and valuable interests that equally require direct representatives; and further, it declares, that it is a crime to vote from interested motives, when such motives are the springs to all worldly transactions, and that the most solemn oaths shall be taken to ensure the due performance of those laws which are morally bad, because requiring a factitious virtue in man contrary to his nature; now these oaths are well known to be ineffectual, and to produce much immorality and subterfuge (as was evinced by the late disgraceful proceedings at Grampound), because opposed to that strong and honourable feeling of self-interest which pervades human nature; fortunately, the spirit of these laws, or the Borough system, has introduced a counterpoise to the popular interest, and the secret working of that system paralyzes those laws that attempt to impede its progress by obstructing patronage and influence, which are the honourable appendages of property and possessions; impartiality results from the practical working of the Borough system (which enables all weighty interests so carefully to guard their rights and possessions by their respective Deputies, that the public good becomes the basis of their proceedings), not from the choice of unbiassed members, who cannot be actuated with sufficient zeal, nor possessed of adequate knowledge, to advocate with effect the interests of others, although they may be good umpires; the petitioner, being convinced that the machinery of the system is susceptible of great amelioration, that the scandal, meanness, and immorality, attending many Borough Elections, may be done away with, and that a more honourable and direct mode of representing the higher interests may be resorted to, prays, That the House will take into its serious consideration the propriety of assimilating the election laws to the spirit of the representative system in operation by repealing those laws that attempt to obstruct patronage and influence at elections, but which only force them into a secret and degrading channel, and bring odium on all parties concerned; and that the House will confer on the landholder possessing the power in close Boroughs to depute members to the House, the legal right so to do, without the intervention of nominal electors, who have long since been deprived of the use of their right by the tide of events, and which the petitioner considers more available to the purposes of good government in the hands of the possessors of the land, who now exercise that right; the petitioner further prays that the purchase and sale of a limited number of seats in the House may be declared legal, that being the only mode many great interests in this extended Empire have of introducing deputies, and it is extremely desirable that none should be excluded the benefit of an advocate in the House, whose interests are so important as to induce them to make the necessary sacrifice; lastly, the petitioner prays, that the right to elect members to the House may be granted to very populous towns, to protect the popular interest, which may be prejudiced by the reform proposed, and to keep open the channel through which aspiring candidates, dependent on popular favour, hope to obtain useful distinction, and to advance to official appointments; and for any further reform which, in the wisdom of the House, they may consider conducive to plain dealing and honourable conduct at elections."

Ordered to lie on the table.

STOCK-PURSE OF THE FOOT GUARDS.] Mr. *Hume* referred to what had passed on two former evenings respecting the Stock Purse of the Regiments of Foot Guards, when a statement made by the Noble Secretary at War had been contradicted by various officers. He had however some reason to doubt the correctness of the information from which those hon. officers spoke, and for this reason he again brought the subject forward. He then stated the mode in which he supposed the stock-purse was formed. Mr. Windham had endeavoured to effect an alteration in the manner in which the accounts of the Guards, or household troops, were kept, but without effect; but the present noble secretary at War had corrected, as he understood, many irregularities in the management of the stock-purse. The principle of the question was of the greatest importance. The House voted certain sums for the pay and support of the army, and for the Guards as a part of the army; and it had a right to be informed what was done with that money. The household troops were in some respects peculiarly circumstanced; as a sum in the gross was voted for them, while for the other regiments of the line it was voted in detail. The Guards had a stock-purse, which arose principally from the pay of a certain number of men borne on the list, but non-effective: he believed that there were eight men to each company so circumstanced—men only upon paper, and for the five regiments of guards the number would be 464 men, at 13*d.* per day. The pay of these men was thrown into the stock-purse, and out of it the expenses of the hospital and recruiting service were discharged. He had been told, that the regiments of Guards were more economical than those of the line. This might be, but still, though the money might be properly spent, the House had a right to inquire into the expenditure. He made it a distinct charge, that irregularity did exist, and he knew that in so doing, he was open to the often-repeated slanders, and to be told, as he had been on a former night by an hon. officer, that he had been imposed upon by the malicious misrepresentations of some libellous informer impeaching his comrades. He would, however, state in what way he had obtained his information on this subject, that the House might judge. Two individuals in the Guards had come to him last year, and had asked him if he was aware of the prevalence of a practice in the Guards, different from other regiments, as to the proportion of pay of men confined. He had replied in the negative; they went on to say, that he ought to know. Though it was not carried to any great extent, that the money stopped from the men went to the officers. If this were so, he felt that it was wrong; and, as there ought not to be even the appearance of secrecy on such a subject, he had determined to inquire into the fact. He had, therefore, taken occasion to ask one or two officers what the stock-purse of the Guards was; and their answer was, that it was some fund managed by the captains, with which the subalterns had nothing to do. In order that he might not bring the subject forward, without sufficient grounds, he had gone to an officer of the Guards, stating that he had heard such and such assertions made and inquiring if they were founded in fact. He had asked first, whether there was a stock-purse? The reply was, that there was. Are the stoppages of pay from men under confinement put into it? was his next question; and the answer was in the affirmative. What, then, became of the 7½*d* per day; did it go back to the public from the stock-purse, or was it permanently added to the funds of that stock-purse? The officer admitted that he believed it did not go back to the public. He had since understood, that the surplus of the stock-purse, after the charges upon it were paid, was divided between the captains and the field officers. This subject therefore, merited investigation; for no account of any regiment ought to be closed from the investigation of the Secretary at War. The public confided the subject to him, and he was responsible for the misapplication of any of the money of the public. It was not a sufficient answer for the officers to say, "We in the Guards do not proceed like other regiments; we do all by contract; we have a certain sum, for which we undertake to do certain things, and you have no right to know how it is spent." What he wished to know, in the first place, was, whether there was such a fund as the Stock-Purse? He did not suppose that that would be disputed; it was, indeed, admitted on all hands. Then he inquired, from what sources was it supplied? If it arose from ineffective men, only borne on paper, and not existing in fact, he begged to be informed, whether these 464 men were part of the number annually voted? If so, then so far it was needless; and the people ought not to be called upon to pay for men, that the money might be put into the stock-purse of the Guards. He had thought, from what had passed of late years, that none but efficient men were included in the votes, and that paper men were totally unknown in the army at present. He was satisfied that it would redound much more to the credit of the Guards if this subject were left quite open to inspection. At present, certain notions prevailed among the men regarding it. They might be erroneous; but the good of the service required that the men should be convinced that they were mistaken. What he asked for, was by no means unreasonable. If the noble Secretary at War was ignorant of any facts touching this stock-purse, it would be advantageous, in that point of view, that the question should be brought forward and discussed. The hon. gentleman concluded by moving, "That there be laid before the House, a return of the number of men confined under sentence of Courts Martial, general or regimental, or by the civil power, in each battalion of the Foot Guards, in each year since January 1816, together with the periods of their confinement: also an account of the amount of pay stopped from these men in each year, and to what purpose applied: also, an account of the income of the stock-purse and the contingent account of each of the regiments of Foot Guards, from what source derived, and how the same has been applied and appropriated in each year since January 1816."

Lord *Palmerston* thought he should be able in a few words fully to explain all that had puzzled the hon. member for Aberdeen. Previously to the year 1783, all the regiments of the service were on the same footing as the Guards at present. Pay was issued for the full number of men voted, and the difference between the pay issued to the establishment and the effective numbers, in other words, the pay of the ineffectives went to form a stock-purse, the mysterious term which had so confused the hon. mover. Out of this stock-purse were paid the expenses of recruiting, of hospitals; and the remainder, if any, was divided among the captains of companies. When Mr. Burke brought in his bill which abolished the stock-purses in the regiments of the line, and provided that pay should be issued for the effectives only, the Foot guards were excepted from the arrangement. The hon. member had said, that Mr. Windham as well as himself (lord P.) had wished to extend the system of the rest of the army to the

Guards. What was Mr. Windham's wish, he knew not; but as to his own intention the hon. gentleman was misinformed. Each system had its peculiar advantages, and from the fixed head-quarters of the Guards, and other circumstances, he believed that the stock-purse arrangement was as economical as that which prevailed in the regiments of the line. As to the pay stopped from soldiers in confinement, it was known to the hon. gentleman, that, under the mutiny act, the pay of men confined under sentences of court martial was sacrificed; but it was not provided to whom that pay should be given. Undoubtedly, the pay so forfeited was, legitimately, a part of the stock-purse, because it formed a part of the difference between the establishment and effectives pay, in the same manner as the pay of those who had died or deserted. On inquiry into the subject, he found a diversity of practice existed in the different regiments of Guards. It was to be observed that according to the mutiny act, there was a power in the secretary at war, to remit to the men who had been so confined, the whole or any part of their pay. In the regiments of Guards three different practices prevailed. In some cases, the officers commanding regiments exercised the discretion which, according to law, should strictly be vested in the secretary at war, of remitting, to the persons who had been confined, the whole, or any part of their pay. In other cases, credit was given to the public in the regimental accounts; in other cases, the money was left in the hands of the agent of the regiment, ready to be paid to the paymaster-general if it should be so claimed by him. But, in no one case, was any part of the money so stopped from persons confined under sentences of courts martial, divided among the officers; though, as legally forming a part of the stock-purse, they would have been entitled so to have divided it. After what he had stated, it was impossible that the supposition could exist, for an instant, that such a body of men as the officers of the Guards would pervert the course of justice, from the miserable motive of adding to their dividends a few shillings from the forfeited pay of the men imprisoned. Really, the amount that would have accrued to them in this way was so small, that to each officer it would have been counted in shillings; but, as it would be more satisfactory to the feelings of the officers of the Guards to clear themselves of all suspicion of being operated on by such motives, he should consent to so much of the motion as called for an account of the amount of pay forfeited by the soldiers of the Guards imprisoned under courts-martial, and the manner in which it had been disposed of; the result of which would be, to shew, that in no instance had it been divided among the officers, though legally, the captains were entitled to it. And he was authorised to say, that though this pay was a legitimate part of the stock-purse, and should be applied to defray the expenses of the hospital and regimental contingencies, yet that the officers of the Guards were perfectly willing that, in all cases, it should go to the public; except in the instances where it was deemed proper to remit it to the men under sentence. As to the amount and application of the stock-purse, the accounts moved for would be extremely bulky and not at all instructive. All the information that was necessary on the subject was before the House. He would therefore move, as an amendment, to leave out all the words after the word "Return," in order to add the words, "Shewing the amount of pay forfeited under the provisions of the mutiny act, by men of each regiment of the Foot-guards, imprisoned by sentence of court-martial, in each year since 1816, and stating how the same has been disposed of," instead thereof.

Mr. *Bernal* stated, that the explanation given by the noble lord must be as satisfactory to the House as it was creditable to the regiments of Guards. Nor did he think the gallant officer opposite him had any occasion to be dissatisfied with the statement of his hon. friend, who had brought the matter forward.

Sir *H. Hardinge* said, that if the hon. member had made the other night a statement similar to that which he had now made, he should not have expressed himself with any warmth; but certainly the imputation that the officers of the Guards put into their own pockets the pay of the imprisoned men, was one which he felt it necessary to repel. The allowances of the officers in the Guards were far from being extravagant, as compared with those of the rest of the army. He was ready to show the hon. gentleman the accounts, by which he would see, that the expense of the officers of a battalion of the Guards was 700*l.* less than that of a battalion of the line.

Colonel *Dawkins* said, he thought it unnecessary to add any thing to the explanation of the noble lord, which had proved so satisfactory.

Sir *J. Shelley* said, the Guards would be found as little expensive in reality, as any branch of the army.

Mr. *Hume* expressed himself satisfied with the explanation given, and observed, that he could not have been expected to know what was the manner in which the money was disposed of, as the noble lord had only known it by inquiring, since the subject had been mentioned in that House.

The motion, as amended, was agreed to.

HOUSE OF LORDS.

Thursday, March 18.

Abolition of Slavery.] Earl *Spencer* presented two petitions for the Abolition of Slavery in the West-Indies. The noble earl expressed his satisfaction at observing the moderation with which this subject had been discussed in both Houses of parliament. He was afraid it would be a long time before the great object of complete emancipation could be obtained. He trusted, however, that the moderation which at present distinguished the advocates of the measure would continue, for in that case, he could indulge the hope that the wished for result would ultimately be obtained.

Earl *Grosvenor* hoped that the measures proposed to be adopted were preliminary to the emancipation of the negroes, for unless they were to have that tendency, they would prove of little value. Their lordships were, however, left in the dark as to the views of his majesty's government on this important point. He wished to know whether it was their intention to promote the complete extinction of slavery.

The Earl of *Liverpool* observed, that the immediate object of the measures which had been proposed by his majesty's government was the amelioration of the condition of the slaves, by regulations, and by the promotion of their moral and religious instruction. With respect to what the noble lord had said on the subject of the extinction of slavery, he had only to observe, that the great feature of the present plan, independently of the communication of moral and religious instruction to the negroes, was the introduction of some principle to enable every man to acquire his manumission, and not only his own manumission, but that of his wife and children. If it should hereafter be found that this plan could not be carried into effect, or that its operation was not sufficiently prompt to prove beneficial, it would then be a question for consideration whether parliament might not afford further facilities.

Mutiny Bill—Flogging.] On the commitment of the Mutiny Bill,

Earl *Grosvenor* took the opportunity of making a few observations on military flogging, and expressed a hope, that the practice would be gradually abolished. He believed that a very great improvement in this respect had already taken place in many regiments. He was aware there might be considerable difficulty in doing the practice away suddenly, and that there might be cases which would make it imprudent to put an end to it altogether. It was part of the intended plan with respect to the negroes, to limit the number of lashes which should be inflicted. He wished the same regulation to be introduced into the army. He could not, however, agree with those who assimilated the punishment of the military to that inflicted on the negroes. There was no foundation for this comparison; for slaves were punished at the mere will of the persons who employed them, whereas the troops could only be punished in virtue of the sentence of a court martial.

Irish Linen Trade—Bounties.] Mr. *Spring Rice* rose to present a petition, on a subject of the greatest importance to the South and West of Ireland. When the subject of reducing the bounties on the importation of Irish linen was first mentioned in that House, it excited considerable agitation in the parts of Ireland to which he alluded. He trusted that, by the present petition, the attention of parliament and of his majesty's government would be called, and not called in vain, to a subject which involved the peace and tranquillity of those districts in Ireland, more than any other that could be named. Within the few last years, individuals and public bodies in those districts had exerted themselves to provide the means of employment for the inferior classes of the population. That employment was found in the manufacture of coarse linen. But the proceedings which had already taken place in the House on this subject, had produced the most alarming consequences.

There had been a diminution of from 800*l.* to 1000*l.* a week in the sales of these coarse linens. This measure was more peculiarly alarming, since it took place at the moment of sowing the flax-seed; and there was reason to apprehend, that persons engaged in its cultivation might be induced to sow a smaller quantity; and that thus the means of future industry might be most injuriously curtailed. The petition which he was about to present was from the corporation of the chamber of commerce of the city of Limerick; and all that the Petitioners prayed for was, that the House would not rashly and incautiously withdraw the existing bounties on the export of Irish linens, until they had made due inquiry into the probable consequences of such a proceeding. At present, the only parliamentary information which the House possessed on the subject was contained in the report of a Committee above stairs; which report, so far from advising the repeal of the bounties, declared that the trade depended on those bounties, and that they could not be repealed without the greatest danger. The petitioners trusted, therefore, that no final step would be taken without previous inquiry, in furtherance of a proceeding, which threatened with destruction the rising trade of two entire provinces—Munster and Connaught. Let his majesty's government and the House look at that report; and then say whether the bounties in question ought to be rashly repealed. In the South of Ireland, lord Shannon, one of the most useful and meritorious individuals in the country, had established a manufacturing institution, which gave employment to above five hundred persons, the greater part, if not the whole, of whom, would be discharged, should the bounties be repealed. Again, however, he begged to say, that the petition only prayed for consideration. He was compelled to allow that the right hon. gentleman's general principle was incontrovertible; all that he desired was, that further proceedings should be suspended, until an inquiry had taken place into the real facts of the case; and until the persons interested in the question had had time to prepare their statements in opposition to the intended measure.

Colonel *Trench* trusted that the clear, distinct, and forcible statement of his hon. friend would have its due effect on the House and on his majesty's government. He also had received communications from Ireland precisely to the same purpose. In a part of the country with which he was perfectly acquainted, the consequence of the adoption of even a mitigated measure, such as that against which this petition was directed, would be the absolute destruction of the linen manufacture. It ought to be recollected, that the Irish were not a very calculating people. Circumstances of distress frequently drove them to extremes, which were not altogether justifiable. Although he was aware that, on general principles, he had not a word to say against the proposed measure, he trusted, nevertheless, as the peace of the West and South of Ireland would inevitably be put in jeopardy by its adoption, that the House would pause before they gave their consent to it. The people of Ireland were open to the management of those who would catch every opportunity to act upon their irritated feelings. He was sure that the withdrawing of those duties, would occasion the interruption of public tranquillity in that country.

Sir *H. Parnell* said, that if the subject was more narrowly examined by his hon. friend, he would find that the withdrawing of the bounty would not be attended with the unfavourable results which he seemed to fear.

Sir *J. Newport* hoped, that the propriety and the policy of the bounties would be deliberately examined before any further attempt were made to withdraw them.

Sir *R. Fergusson* deprecated the hue and cry that had been raised against the abolition of the bounties in question, and the violent opposition that had been made thereto. The manufacturers of linen in Scotland were quite satisfied with the statement of the chancellor of the Exchequer.

Mr. *V. Fitzgerald* conceived, that if the gallant officer had heard the petition read, he would not have described it as he had done. If the gallant officer had taken the state of the Irish linen trade into consideration, he would have found that it might be possible to discover objections to the views of the chancellor of the Exchequer, as far as the subject of that petition was in question. He had that day transmitted to his right hon. friend, a memorial from the high sheriffs, and grand jury of the county of Clare, on the subject of the abolition. The memorial stated, that every means had been adopted for the encouragement of the linen trade in the Western counties, and that the trade had extended, but would be destroyed, if the protecting bounties were now withdrawn. The report of the committee last year had truly stated, that the population were without the means of productive employment—an evil which was generally felt and acknowledged, and which would be increased, if these bounties were suddenly withdrawn. He did not defend the principle of protecting duties; but he begged the House to consider, how very differently circumstanced were the two countries, and particularly the population of Ireland, in reference to the population of this country. The great object was to render the former a manufacturing population, and by that means to render them a useful, a peaceful, and a comfortable people. He implored the House not to destroy the hope that presented itself of effecting that most desirable object, by suddenly injuring a branch of trade which gave employment to so many of the poor of Ireland.

Mr. *Hutchinson* said, that the declared intention of withdrawing the bounties had given the most fearful alarm to the people of Ireland—an alarm which every hour increased. In the county of Cork alone, there were not less than 60,000 persons occupied in that branch of manufacture; and these persons were of the poorest class. He had been informed by individuals acquainted with the trade, that the coarse linen manufacture would be mainly suppressed by the abolition of the bounty. The consequence would be, that the population would be reduced to a state of starvation, and driven to acts of outrage. He held a petition from the merchants and manufacturers of Cork on the same subject, which he would present when the chancellor of the Exchequer should appear in his place.

Mr. *Maberly* was surprised that the chancellor of the Exchequer, when he came down with a proposition to abolish all bounties, was not at the same time prepared to do away with the duties on the raw materials. There was, for instance, a duty of 30 per cent on hemp, and that duty was continued, notwithstanding a kind of pledge that had been given last session. The linen trade was of the last importance to Ireland; and the question, instead of being treated in an incidental manner, ought to undergo a special discussion. If the interests of this trade were not considered worthy of attention by the right hon. gentleman, he should feel it his duty to bring the matter before the House, in the shape of a motion to withdraw the duty on raw material.

Ordered to lie on the table.

IMPRESSMENT OF SEAMEN—PETITION OF G. W. BUTLER.] Mr. *Hume* presented a petition from George William Butler, relative to the important subject of Impressment. This petition was, he said, drawn up by a man who had had a greatdeal of experience in the navy, and what he stated seemed well deserving of serious attention. The party submitted, that he had been twenty years in his majesty's navy. There were four causes to which the evils attendant upon the naval service might be attributed. These were first, the unlimited time of service; and the petitioner instanced cases, where men were impressed on their return from abroad, and detained in the service for a period of thirteen years, with, at the end of that time, a leave of absence of fourteen days, after which the parties were again sent on service, where they remained nine years without intermission. The second cause was the capricious discipline with respect to punishment and dress. The third, the being placed under the control of mere boys, acting as midshipmen and masters' mates, who were not sufficient judges as to whether men did their duty properly or not, and who yet nevertheless had the power of punishment. There was, he observed, a considerable improvement in the navy in this respect since the close of the war, but he believed much still remained to be done. The fourth cause was the lowness of wages, and the unequal distribution of prize-money. The hon. member expressed a hope that the attention of government would be seriously turned to these matters, which were most important to the public service. He would himself, at no distant day, submit a motion with a view of obtaining better information on the subject. There must be something defective in the service, when, with all its advantages, it was found so difficult to induce men to enter.

Mr. *Sykes*, as the representative of a considerable port, expressed a hope that the attention of government might be speedily turned to the system of impressment. He should, in a short time, have to present a petition from his constituents, very numerously and respectably signed, against the present system.

Sir *R. Wilson* vouched for the respectability of the petitioner.

Ordered to lie on the table.

SILK TRADE—LONDON PETITION AGAINST THE REDUCTION OF THE DUTY.] Mr. *Baring* rose for the purpose of presenting a petition from the Silk-manufacturers of London against the proposed reduction of the duty. The petitioners stated, that notwithstanding the boon held out to the trade by the proposed return of the duty on the stock in hand, they still remained unaltered in opinion as to the ruinous consequences of the measures proposed by the chancellor of the Exchequer with respect to the general regulation of the duties. They were satisfied, that if the bill for effecting it passed, the silk trade of this country would be destroyed, and thousands of hands thrown out of employment. He had made inquiries on the subject, and the only observation he had heard from the parties interested was, "We hope we shall have time to get out of the trade before the storm arrives." This important step had been taken by the chancellor of the Exchequer without due inquiry. The report of the House of Lords had been the only source of information consulted; and the House, he feared, was averse even to the hearing of counsel on behalf of the petitioners. Such was part of the prayer; and, recollecting how incompetent he was to enter into the necessary details, and to enforce the arguments with due effect, however strongly he might feel them, he intreated the House not to listen, on this point, to the advice of the hon. member for Aberdeen. The petitioners had the strongest claim to have an opportunity of stating the peculiar hardships of their case; and they would be able to do it with great effect, through a gentleman not only learned in the law, but well acquainted with the manufacture of silk. He was instructed to say, that the petitioners were willing to forego the whole amount of bounty to be given to them, if they were allowed a further extension of time. They were of opinion, that the return of duty promised would amount to infinitely more than the calculation ministers seemed to have made. The president of the Board of Trade had supposed that it might be about 100,000*l.*; but the petitioners, who had much better means of knowing, were convinced that it would exceed a million. If this sum could be saved to the public, surely that fact alone ought to be sufficient to induce gentlemen to pause, and to listen to the information they could obtain through the intervention of counsel. To refuse to hear counsel was to treat this important subject with greater levity and carelessness than they would do a common road bill. Without further remark, he would move for leave to bring up the petition.

Mr. *Ellice* did not rise to oppose the reception of the petition; on the contrary, he was satisfied that the House could not too often discuss important subjects of this kind, before it arrived at a decision. It was fair to the chancellor of the Exchequer to say, that the manufacturers of Coventry were now generally satisfied with the measures about to be adopted. They were not yet convinced that they should be able to compete with France in particular branches of the silk trade; but they were quite willing, with the promised allowance, that the experiment should be fairly tried. He was also instructed by his constituents to state, that they were no parties to the resolutions recently passed at the City of London-tavern. A considerable part of the trade felt that we should be able to compete with the French. Such had always been his opinion; but the portion most likely to be injured by the rivalship was that established at Coventry. The whole arrangement would require the greatest possible attention. In the committee on the bill he would submit one or two amendments.

Sir *James Mackintosh* wished to take that opportunity of making a declaration, which he should have made long ago, had not ill health prevented him. He highly approved of all that the chancellor of the Exchequer had done upon this subject, and he could not, with any regard to consistency or common decency, agree in the opinion, that ministers had not been sufficiently slow and cautious in resorting, even thus limitedly, to the principles of free trade; because he should thereby condemn the friends by whom he was surrounded, but especially himself: he having long had occasion to complain that ministers were tardy in adopting self-evident principles. The experience and reflection of his whole life had convinced him that those principles were the best and soundest foundation of the well-being of nations; and, from year to year, he had witnessed the fatal results of a deviation from them. He was, therefore, not content to say, idly and unmeaningly, that though he approved of them in theory, he would not attempt to carry them into practice. He had been a little surprised at the two sorts of complaints against ministers, made by his hon. friend (Mr. Baring), which were rather at variance with each other. First, his hon. friend charged them with too hasty an adoption of measures partaking of the nature of free trade; and next, he blamed them for still retaining certain restrictions and regulations. The chancellor of the Exchequer had certainly adopted a new system, founded upon the free use of industry, and the free exchange of commodities; but both charges could not be true, and it appeared to him (sir J. L.) that both were unfounded. On the authority of Mr. Harrison (with whose learning in the law, but not in the Silk trade, he was well acquainted), his hon. friend had mentioned, that the country would lose a considerable sum by this plan. With all due respect for the authority of the Silk manufacturers, as to their own interests, he must say, that, on a question which regarded the interests of the country, he preferred the authority of the president of the Board of Trade. For his own part, satisfied as he was, that the measures of government upon this subject, as far as they went, were wise and salutary, he should give them his zealous support. He was of opinion that ministers had made as large concessions to this class of manufacturers as could be expected, and he ventured to prefer this request to them, that they would make a stand, and grant nothing more. He was as ready as any man to hear counsel upon a particular subject—nobody had their ears more open to complaints and representations: but he would not act so unfairly and so deceitfully by the petitioners, as to require them to send counsel to the bar, to attempt to alter an opinion that was so fixed, that it could not be changed. Those who thought that their notions upon a subject might be varied, would do very well to listen to counsel; while those who were of a contrary persuasion, would act with duplicity and fraud, if they encouraged hopes that must be disappointed, and invited discussion in a case which, in truth, was already decided.

Mr. *Tierney* said, he felt himself obliged, by the speech of his hon. and learned friend, to trouble the House with a few remarks. Some of the doctrines which it contained was a little extraordinary. Though he (Mr. T.) was a fast friend to the principles of free trade, yet he thought the House and the country under an obligation to the hon. member for Taunton, for the part he had taken in the course of these discussions. He did not agree, indeed, with all that that hon. gentleman had laid down; but he did agree with him in thinking, that the House ought to proceed with caution, if not with hesitation, on a subject of such deep interest, and involving such an extent of capital. It would seem from the speech which his hon. and learned friend had just delivered, as if no friend of free trade, could take any other course than that of saying to ministers—"you have given up enough; you have done very well, but do not concede any more." No man was more anxious to see liberal principles of trade adopted than he was; and the best proof of that anxiety was, that he had come down for the purpose of supporting ministers, and had supported them on this question throughout. The chancellor of the Exchequer had acted in a fair, open, and candid manner; and it came with the more effect, because, of late years, the House had witnessed from the place which the right hon. gentleman now filled, conduct of a very different kind. He had therefore felt disposed to give him his support; and in this instance he supported him, because he concluded that he was not about to act merely theoretically, but to carry his object into effect by a due arrangement of the drawbacks, and bounties. He concluded, however, that the right hon. gentleman had thoroughly informed himself on the subject, and that what he had laid down as safe to be administered, he had ascertained to be so. He had not imagined, that the right hon. gentleman had come forward on the 23d ult., without having had a thorough communication with the parties interested. Government possessed means of information which individuals could not have; and what the right hon. gentleman had brought forward ought to have been the result of frequent interviews and discussions. When, in the absence of the chancellor of the Exchequer from ill health, the president of the Board of Trade had followed up his proposition, he (Mr. T.) had been much disappointed at the enlargement of the time to two years and a half. He had concluded, that the delay was owing to the exertions of the manufacturers, and that the right hon. gentleman had been fighting with them the battles of free trade against exclusion. He had given his assent to the proposition merely because such had been his conclusion. But, how did it turn out?—that ministers had come to no arrangement, no understanding at all, with the manufacturers. He spoke as an ignorant man upon the doctrines of free trade; but he knew that the vital interests of very large classes of the community were involved and it was no reason against hearing counsel, that the time had been postponed. His information was extremely limited. He had seen only one of the parties, but he had seen enough to convince him that they were entitled to be heard. He begged the House to consider the situation in which it might by possibility be placed. His hon. friend (sir J. M.) had spoken warmly in favour of the principles of free trade, and had declared that they were at stake on this question; but, might it not happen that after the duties had been altered, the drawbacks and bounties arranged and allowed, and after the lapse of two years and a half, the prohibition might not be taken off? The question would then be drily and nakedly—ought French goods to be allowed to come into competition with English manufactures? Suppose the present project were to damp and depress the trade, then an unanswerable argument would be given to the silk weavers: "if the mere threat of change had done so much injury, would the House consent to crush it altogether, by carrying that threat into execution?" Suppose, on the contrary, that it should produce an increase then it might be said fairly enough, that the trade was most flourishing, and that it was not fair to transfer the advantage to those whom many considered the natural enemies of Great Britain. The House had had some experience not long ago, from Spitalfields. How strenuously had it resisted the two or three thousand gentlemen who had, day after day, bowed the members into the lobby. They were defeated in the House of Commons; but when the bill went up to the Lords, the bowing gentlemen obtained a sort of victory; for it was thrown out. Yet that question had not a tithe of the interest of the present, and the result might be much the same. If this principle of free trade could be carried, in this instance, into fair application, it would be the first inroad into the most vicious system that had ever prevailed. The parties declared that they did not want a remission of duty, but only desired to be allowed to work as they had hitherto done; and, under all the circumstances, it was his conviction, that it would do far more substantial good to take off some of the taxes that pressed upon all ranks, and for the remission of which so many petitions had been presented. The present proposition certainly gave an advantage to the silk-manufacturer, and through him, to the wealthier classes of society. The lower orders might eventually feel the benefits of the alteration; but, if taxes were removed, the working classes would immediately experience the relief they so much required. The wise course seemed directly the reverse of that which had been pursued. Taxes ought to be repealed in the first instance; and if it afterwards turned out that the change could be effected with safety to our silk manufacture, let the plan now in agitation be carried into effect. The manufacturers were really in a situation of difficulty, and it was their anxious desire to be heard by counsel, that they might impress upon the House the nature of that difficulty, and shew what a variety and extent of interests were at stake. He must be forgiven if he joined with the hon. member for Taunton, in thinking that the petitioners had a just claim to have their case stated. If they could not by their counsel make out a case so much the better: the House would then have done its duty, both to the particular interest at stake, and to the general interest of commerce. He hoped, therefore, that a day would be named for the hearing of counsel.

The *Chancellor of the Exchequer* wished to make a very few observations. In the first place, he should appear ungrateful if he did not most distinctly acknowledge his sense of the favourable reception on all sides, of the principles which he had had the good fortune to bring into action; but he would take the liberty of saying, that he could not accept the compliment of the right hon. gentleman, at the expense of the noble lord, his predecessor in office. He was therefore, placed in an embarrassing situation, for nothing could be more embarrassing than to be complimented at the expense of others. He must say, however, that the sort of criticism made upon the conduct of the noble lord was by no means well-founded; for he could confidently state that no individual in the country was more strongly impressed with the soundness of the principles of free trade than the late chancellor of the Exchequer. That noble lord, indeed, had not carried any of them into effect during the last two or three years; but he was not open to censure, since the opportunity of doing so had not been afforded him. If any blame were due for the postponement, it was as much deserved by himself, as by lord Bexley; for, as president of the Board of Trade, if the circumstances had been favourable, he ought himself to have originated some measures of the kind. If entitled to any compliment, therefore, he could not accept it exclusively. The right hon. gentleman who had just taken his seat had approved entirely of the principle of the new system, but seemed to blame the government for not having come to some general understanding with the various branches of the silk trade, before the plan was brought forward. Now, if any judgment might be formed of the effect of antecedent, by the effect of subsequent communications with parties interested, he doubted much whether the measure would have been brought forward at all, if it depended upon the approbation of the silk-manufacturers. Nearly all the persons in the trade were naturally hostile to the changes. But, when the government was about to negociate on a broad principle, he thought it by no means necessary or proper, that they should negociate with the parties immediately concerned. He thought it, on the contrary, best to take the course consistent with those sound principles, instead of taking counsel from individuals whose interests were opposed to those principles. It was not, indeed, likely that any modification of his measures would satisfy all parties. Some proposed a delay of seven, others of five, others only of three years; for though, to a certain degree, they all joined in disapprobation of his plan, there was a considerable diversity as to the steps which they would take to mend it. As to the prayer of the petition, he did not go quite the length of the hon. and learned member (sir J. M.) in his general proposition, that where his mind was not likely to be changed by any thing that parties or their counsel might offer, he therefore would not consent to hear them. Where the interests of parties, or even individuals were affected, nothing was more common than to allow them to be heard by their counsel; and though he was not likely to be shaken in his opinion by any thing which Mr. Harrison, or any other counsel, could urge on a subject which he had already taken so much pains to examine, it would be harsh to prevent the parties from being heard. He should therefore not object to the motion, that the petitioners should be heard by their counsel, though he was bound in justice and candour to say, that he should grossly deceive them, if he were to hold out any hope that his opinion would be changed by any thing counsel could offer.

Mr. *Whitmore* thought, that the course which ministers had pursued, was marked at once with cautious attention to particular interests, and with adherence to broad principles. He trusted that they would pursue that manly course; fully convinced, that if they followed it up to its legitimate consequences, there was no country in the world of which the prosperity would be so brilliant as that of England. A right hon. gentleman had spoken of the triumph which the people of Spitalfields had obtained in maintaining their local acts. The consequence of that triumph was the petition now before them; for there was no other reason why the manufacturers of Spitalfields should not be as confident as all the other manufacturers of the kingdom were, of the success of the measures now proposed by the government. A silk-manufacturer of Manchester, who had a large capital invested had assured him that the manufacturers of that place were entirely satisfied with the general measures which the government was pursuing, and looked forward with confidence to the result of them.

Lord *George Cavendish* said, that though his constituents were satisfied with the measure, it was undoubtedly the duty of the House to proceed with caution. He should therefore support the proposition for hearing counsel.

Mr. *Hume* hoped, that government would persevere in carrying the measures which they had proposed into effect. He was sorry to understand that a very feverish state of feeling had prevailed in the city during the whole of the day, in consequence of a rumour, that one of the lords of the Treasury had, in an interview which had taken place between him and some persons connected with the silk-trade, intimated that the measures which had been proposed would undergo some change.

Mr. *Huskisson* said, he could take upon himself confidently to state, that neither his noble friend, the first lord of the Treasury, nor any other member of the government had held out the slightest expectation that any change would be made in the plan which he had submitted to the House; and he would state further, on his own responsibility, that there was not the least idea entertained, by any member of the government, of proposing any change in that plan.

Lord *A. Hamilton* called the attention of the House to the clause relative to cut silk. If that clause were passed in the form in which it now stood, the object of the right hon. gentleman would be defeated.

Mr. *Baring*, in reply, observed, that the petition was really the petition of a committee, appointed by the general meeting of the silk-trade of London. Some very sharp remarks had been made upon him by his hon. and learned friend (sir J. Mackintosh), because, as his hon. and learned friend expressed it, he had been urging the ministers to go further into the system of free trade, while he objected to the measure before the House. Now, all he had said was, that a system, whatever it was, should be consistent in its parts. He wished his hon. and learned friend, who had spoken so eloquently on the subject, had given them his definition of what he meant by free trade, instead of favouring them with his declamation on a subject which (for there was a fashion in opinions as well as in clothes) was now so fashionable. As to the silk-trade, which his hon. and learned friend supposed the measures of the chancellor of the Exchequer were to make free, there were in the first place, most absurd restrictions on labour; and, in the second place, a protecting duty on foreign, in favour of British organzine silk. His hon. and learned friend could know nothing about the subject, or he would not have treated the trade as free. If they protected the throwsterer by a duty, they could not expect the manufacturer to thrive under foreign competition; if they maintained the restriction between masters and workmen, they could not expect the manufacturer to thrive under foreign competition. The chancellor of the Exchequer must abolish these restrictions before he could make a free trade. Nay, he must go further, and persuade the country gentlemen to consent to let the trade in bread be free. While the subsistence of the people was at twice the price here that it was in other countries, they might live on the purest system of political economy, but they might die with the book in their hand. It was absurd to think that we could compete with foreign countries in manufactures in which labour formed the principal part, while the restrictions on the trade in the most essential article of food existed.—He was now in a minority of the House; but he was so used to this, that it had ceased to have any effect on him. He had had the misfortune to be in a minority on that very system of corn laws; and he had had the satisfaction since to see that the warmest advocate of that system at that time, the right hon. the president of the Board of Trade, had come round to his opinion, and exhibited in his own person a pattern of as much inconsistency as he (Mr. B.) was said by some to have shewn on this subject. The hon. member for Coventry had said, that his constituents were now satisfied with the measures of the chancellor of the Exchequer. He had no doubt they were. The fact was, that the leading interests had been bribed into a concurrence in the measure. They would receive the drawbacks on their stocks. Some of them, he knew, would receive from 20 to 25,000*l.* as drawbacks; and as the immediate demand for silk had caused an increase of price, this would be a very considerable benefit. There had, in fact, been a great deal of jobbing in this measure. The persons who received the drawback now were glad of the boon, which, when the House came to pay it, they would find to be very serious; and they trusted, that after the course of the two years and half had elapsed, to raise such a clamour in the country as would prevent its being carried into execution. All that these gentlemen wanted was, to put their 20 or 25,000*l.* into their pockets. He felt grateful to the right hon. member for Knaresborough (Mr. Tierney), for his co-operation in promoting what, without his aid, would not have been obtained; namely, the liberty to the petitioners to be heard by their counsel.

Sir *J. Mackintosh* said, that if his hon. friend meant by the term "sharp" that his remarks had been hostile towards him, he was mistaken; as there was no one whom he should be more justly sorry to address in such a temper, but he had used a part of the freedom of debate which it was allowable for his hon. friend or himself to use towards one another, or towards any other member; namely, that of contesting the justness of an adversary's conclusions, by shewing that one part of his argument was at variance with another. He had had the honour of serving under his hon. friend the commander-in-chief, in the small minority on the corn laws; but since the chancellor of the Exchequer had become a deserter from the opposing army, his hon. friend had not received him as kindly as a politic commander should have done. With regard to his opinion on free trade, it had been too long fixed—too strongly confirmed by argument and facts, and reflection—for him to imagine that it could be changed; but as to the mode in which the restrictions existing should be removed, he was ready to hear from the parties concerned, any argument as to the way in which the public faith was pledged, or any facts as to the manner in which their particular interests were affected. There was no inconsistency either in maintaining, that one set of restrictions should be removed while another set remained; for he did not remove one restriction in order to preserve another, but endeavoured to introduce a partial, in order to accelerate a general freedom. In reference to the observation of the chancellor of the Exchequer, on the mere technical point of hearing counsel, he laid but little stress; but this he would say, that firmness, on the part of the government and of parliament, in this case, was the policy which would shew greater respect to the judgment, and, in the long run, to the feelings, of the people, than to allow them, by the agitation of the question, to form hopes that must ultimately be disappointed. His hon. friend had said, that before two years elapsed such a clamour would be raised in the country, as would prevent the execution of the measure. He hoped not; and he rested his hope on the growing intelligence of the country—on the growing intelligence of the master manufacturers—on the growing intelligence of the working manufacturers. The intelligence among the latter body was, indeed, far greater than he could possibly have conceived, if he had not had an opportunity of witnessing it, by attending a lecture at the Mechanics' Institute, where among some hundreds of individuals, he had seen more information than he could have expected to have met with in any class of society. He had seen them manifest the intensest interest at the development of the most abstract principles of natural philosophy. Intelligence sparkled in their countenances while they watched, with a discrimination not to be deceived, the explanations and illustrations of the lecturer. From such a spirit of inquiry he looked for much. But, certainly, if the House dreaded clamour two years hence, the way to avert it was, not to hold out expectations which were inconsistent with policy and duty.

The Committee on the Bill was instructed to hear counsel accordingly.

EVACUATION OF SPAIN BY THE FRENCH ARMY.] Lord *John Russell* observed, that before he offered any thing in support of the motion with which he should conclude, he thought it necessary to say, that his proposition was not intended to lay the foundation of any charge against his majesty's ministers as to the policy they had pursued with respect to the contest in Spain. His opinion certainly was, that if, at the Congress of Verona, they had assumed the language that had been employed in the message of the President of the United States, or had ever spoken in relation to Spain itself, as they had recently spoken as to the colonies of Spain, that war would never have taken place; but, certainly any time after the commencement of the last session, it would have been in his opinion, imprudent to have embarked in the contest. This, however, was now rather matter for historical discussion than for any consideration of practical policy. What he wished to bring into discussion—what he wished to hear from his majesty's ministers was—what the policy of the country now is, in order that, by a clear perception of our condition, we should not fall again into that difficulty in which we were lately involved, when, after a peace concluded amidst universal congratulations, and after a period of applause on one side and of silence on the other, it became a question, whether or no we should plunge into a dangerous war, and were only deterred from it by the danger of hazarding an attack upon so powerful an adversary.

He had heard it objected to the motion which he had to propose, that the subject would excite no interest in the House. He could not believe this assertion to be correct. He begged those who felt no interest in the subject to look at what their situation was. His majesty had told them, in his Speech from the throne, that he had continued to receive from all the powers his allies, assurances of their earnest desire to maintain and cultivate the relations of friendship. What was meant by the term Allies? It meant powers united by some common principle, and directing their efforts to some common object. The principle on which the allies were united was subversive of the British constitution. The principle on which Spain was invaded was subversive of British policy. Indeed, from the time of Louis 14th to that of Bonaparte, it was the favourite policy of the British government to prevent the French from taking root in Spain. From the battle of Blenheim and Villa-Viciosa, to those of Salamanca and Vittoria, the object of England was, to prevent the establishment of French interest in the peninsula. No longer than ten years ago, some of the best blood of England was shed in Spain, and now the French were in possession of the fields in which those battles were fought and their flags waved on the battlements of Cadiz, Badajoz and St. Sebastian, which we had spent so many lives and so much treasure to win or to preserve. When every part of that great country was occupied by the French, who would say, that this was a state of things that did not deeply interest the British parliament and nation?

He should now proceed to state, first, how we had been brought to this state of things; secondly, the danger in which we were placed; and, thirdly, what remedies were to be found to avert those dangers. First, with respect to the manner in which we had fallen into these dangers, it was to be recollected that, after fighting for many years, our adversary was subdued; the abilities of our commander, the tumultuous cry of nations eager to acquire their independence, the faults of our enemy, nay, the very elements, seeming to favour the courage and perseverance of England. What had been the result? A peace was concluded in 1814, interrupted in 1815, and confirmed in 1818, resting on principles of policy new to the diplomacy of this country, and on bases indeed new to the world. The ancient policy of England had been described by Addison in lines, of which the sense was better than the poetry—

"Tis Britain's care to watch o'er Europe's fate,
To hold in balance each contending state,
To threaten bold presumptuous kings with war,
And answer each afflicted neighbour's prayer."

Such was the commanding station which the poet assigned to this country. But, how humble was the tone—how humiliating the position—which England had recently assumed in the politics of Europe. Instead of holding the balance between "contending states," she had fallen from the lofty station which she once occupied: instead of threatening "bold presumptuous kings," she had meanly truckled to the Holy Alliance: instead of answering "each afflicted neighbour's prayer," she had treated every prayer that had been preferred to her with scorn and contempt.

The first consequence of this policy had been the alienation of all those hearts which she had won by her struggle against the despotism of Napoleon, and the dispersion of all those romantic ideas which might have been formed of the generosity of Great Britain. We had disappointed the hopes, and excited the indignation of every man who loved freedom and independence throughout Europe. But besides this, it could not escape the observation of those who were accustomed to attend to the affairs of Europe, that an association of the great powers of Europe renouncing the old system of a balance, and uniting for a common object, was peculiarly liable to abuse, and that when abuse grew out of such an association, it was peculiarly difficult to be corrected. Such a system was peculiarly liable to abuse, because kings, like other corporations, were apt to consider their own interests, in preference to the interests of mankind; and the abuse was peculiarly difficult to be corrected, because, while there was a natural remedy against any undue encroachment on the balance of power, which it was the interest of all the sovereigns to resist, there was none against an encroachment on the liberties of mankind, when they were all ranged on the same side. These consequences did not fail to follow. In the year 1820, the allied monarchs issued a declaration, which had been admitted by the late marquis of Londonderry to be opposed to the fundamental laws of these realms, and by the right hon. gentleman opposite (Mr. Canning) to strike at the root of the British constitution. In that document, the revolution of Spain was adverted to in the very first sentence, and the Holy Allies openly avowed, that Naples was only first attacked because she was most easily subdued. He mentioned this, because it would be recollected, that a year and a half ago our ministers had no notion whatever, that the question of the invasion of Spain would be discussed at the Congress of Verona. He mentioned this, merely to shew how liable ministers were to be deceived, and how steadily the Holy Allies pursued their favourite object of enslaving mankind, while those who were opposed to them were often asleep at their posts.

He had already said, that he did not mean to advert to the policy which this country had pursued in the late invasion of Spain, he wished, however, to call the attention of the House to the professions and promises of France, professions which had been so deceitfully made and promises which had been so scandalously violated. The speech of the king of France, at the opening of the Chambers, contained the following passage;— Let Ferdinand 7th. be free to give to his people institutions, which they cannot hold but from him, and which, by securing their tranquillity, would dissipate the just inquietudes of France. Hostilities shall cease from that moment." The interpretation which was put upon that passage was, that the king of France did not desire that the free institutions which Spain enjoyed should be abolished, but only that they should emanate from the king. If any doubt could exist on that point, it would be removed by referring to the note of sir Charles Stuart to Mr. Secretary Canning, dated Feb. 10 of the last year. Sir Charles Stuart had communicated with M. Chateaubriand, respecting the passage in the king of France's speech, which he had just read to the House, and the answer of M. Chateaubriand, as given in the despatch, was this:—he said, that "whatever may be the interpretation which is attached to his Majesty's expressions by those who are determined to consider all the measures recommended by this (the French) Court, to be proofs of their desire to re-establish an absolute government in Spain, he never can believe, that the communications which have taken place with the British cabinet have been misunderstood to a degree which can authorize such suppositions." The suspicions alluded to were, that it was the wish of France to see an absolute government re-established in Spain. It was unnecessary to state how shamefully all these protestations had been disregarded. Let the House bear this in mind, in considering the value of the representations which have been lately made by the prince de Polignac, with respect to South America. It was the policy of the French government never to hesitate a moment in making any promises or professions, and never to hesitate a moment in violating them, whenever it suited their purpose. In doing this, they did but follow the letter of the instructions which Louis 14th. had left to posterity. That monarch had declared, that "treaties were to be interpreted, like compliments, as meaning a great deal less than they expressed, and that the more express and decisive the words of the engagement were, the more proper and excusable it was to violate it." The French, on entering Spain, declared, that their sole object was, to establish a constitution less democratical than that which was then established, but at the same time fully securing the constitutional liberties of the people of Spain. It was important to take this point into consideration, if for no other purpose than because it furnished a key to the secret of the success of France in Spain.

Passing from the conduct of France to that of the Spaniards themselves, it might be observed, that in carrying a revolution into effect, there were two means of securing ultimate success. One was that adopted by the revolutionists of this country in 1688, and which consisted in conciliating all interests; in giving a just degree of power to all orders; and in consulting the feelings and opinions of all classes in the State; the other was that pursued by the French Jacobins in 1793, which established an exclusively democratical constitution, and which persecuted, by massacres and proscriptions, all other orders of the State. It was the misfortune of Spain to adopt neither of those plans. The Spaniards adopted the opinion, that a democratical constitution, a constitution emanating from the people, was best calculated to secure the happiness of the community; but while strongly attached to democracy, they were naturally generous and humane; and, while they established a form of government, which raised all the privileged classes against it, they were so far from imitating the massacres and proscriptions of the French Jacobins, that they behaved with the utmost forbearance and kindness to their opponents, and even suffered those who were notoriously disaffected to the constitution, and endeavouring to destroy the independence of Spain, to go unpunished and unmolested. The consequence of this was, that these two great bodies were ready to join in a combination against the liberties of Spain—one consisting of the privileged classes, who were naturally opposed to a liberal order of things, and the other consisting of the lowest rabble and notorious violators of all law—persons who had been fed by the convents, or had robbed on the highways—persons who were hostile to the then existing constitution, because it deprived them of their usual means of support, by establishing peace, justice and industry, in place of the indolence, rioting, and anarchy on which they had formerly subsisted. Those who knew the army of the Faith knew that it entirely consisted of mendicants and robbers—of drones supported by the indiscriminate charity of the monks—and of ruffians supported by depredation and pillage. Having obtained the support of the friends of a moderate constitution, and also that of the rabble, which had been engendered in the filth of the old monarchy, the success of the French army proceeded without interruption. They met with scarcely any opposition, and where opposition was offered, it was rather the opposition of individuals, than the opposition of a party. There were, however, some individuals, who, during that short and unfortunate struggle, behaved in a manner worthy of the freedom for which they contended. There was the virtuous and eloquent Arguelles—the courageous and patriotic Mina—the brave and heroic Alava—men whose merits would never be forgotten, until the fire of patriotism had ceased to glow in the bosom of mankind. What, however, had been the result of the success attendant on the French arms? had it established in Spain any thing which deserved the name of a constitution? had it established in Spain any of those institutions which his people were to receive from no other hands than those of Ferdinand? had it established even the French charter, or any other guarantee for public and private liberty? it was notorious that it had effected none of these objects. All it had yet effected was, to show the people of Spain, that their invaders had betrayed that party amongst them which had joined them from motives of self-interest, and had done worse than betray those who had joined them in the hopes of receiving from their hands a free constitution

It was worth while to consider how the French army had behaved in another respect. The proclamation which the Duke d'Angoulême had issued on crossing the Bidassoa, contained, amidst the bombastic phraseology with which such documents were usually filled, the following clear and explicit declaration: " Spaniards; every thing will be done for you and with you. The French are not, and wish not to be, any thing but your auxiliaries. Your standard alone shall float over your cities. We do not pretend either to impose laws on you or to occupy your country. We wish nothing but your deliverance. As soon as we shall have obtained it, we will return to our own country, happy to have preserved a generous people from the miseries produced by revolution, and which experience has taught us but too well to appreciate." Such were the professions which the French leader had put forth upon entering the Spanish territory. He meant to say nothing against either the talent or the generosity with which the royal duke had afterwards conducted himself; but he would say this—that for the sake of the independence of Spain, and indeed of every other country, it would have been ten times better that a duke of Alva should have been sent there, than an individual, whose moderation could not protect his promises from violation by others, and whose mild qualities only tended to rivet faster the degrading fetters he had fastened upon Spain.

Let the House look, for a moment, at the situation of that unfortunate nation. In all countries there were men whose talent and information qualified them for leading their compatriots in the various departments of arts and literature, to which they had devoted their attention—men, whose intelligence placed them above the age in which they lived, and rendered them the instructors and benefactors of posterity—men, who were " not of one age, but of all time," and who, " sui memores alios fecêre merendo." Of men whose genius and ability conferred honour on the generation to which they belonged, Spain was not, a few short months ago, entirely destitute; but if they wished to understand the melancholy condition to which she was reduced, they must view her as she now was, shorn of all the glory which she derived from their intelligence. All who were qualified to enlighten the darkness in which she had been so long involved—all who could warn her against the evils of popular licentiousness, and teach her the blessings of real liberty—all who were fitted to give solidity to her unsettled constitution, and to rally her children round the banner of constitutional freedom, had been either swept away by the French invasion, or were now living in that state of insecurity to which despotism always consigned those whose enmity it apprehended. The condition of Spain was, therefore, worse at present than it was before the establishment of the constitutional system; because, formerly, men if they could not speak as they thought, could still think as they pleased, and might, if they kept their opinions to themselves, peruse in private Locke, and Montesquieu, and various other authors, whose works were now placed under the interdict of the Inquisition. The case was now far different. During the period of the constitution, all the men who dared to act and think for themselves, made themselves known to their countrymen; and the consequence was, that, at the present moment, they were universally persecuted by the priests and the ignorant rabble which they kept in their pay. At Saragossa upwards of a thousand persons had been imprisoned, almost for no other offence than that they were able to read and write. In other towns, men had been massacred, because they were too enlightened to join in the schemes of an indolent priesthood; and, in one place, several individuals had had their eyes torn out because they wished to impart to their fellow-citizens the blessings of education and freedom. If the French possessed the power of restraining such excesses in their allies—excesses which originated from their success, and could not have taken place without it—it might have formed some palliation for their crime of aggression; but they did not even possess that power. Except in the fortresses which they occupied, they could not prevent their captives from becoming victims. In the towns, where they were not present, all the friends of liberal knowledge were left unprotected to the fury of a despotic aristocracy, animated by the vindictive spirit of ignorance and superstition.

Having thus examined the question in its relation to the interests of Spain, he now came to examine it in its relation to the interests of Great Britain. He had been told by some persons, that it was a matter of no consequence to this country, whether France retained or evacuated Spain; as the Holy Alliance had neither the inclination nor the power to continue such a career of iniquitous aggression. What! after all the blood and treasure which we had expended to maintain the balance of power in Europe, could it be indifferent to us, whether France was or was not to command the resources of Spain? Was it of little consequence whether, in future wars, we were to have to contend with France alone, or with France and Spain united against us? For the last hundred and thirty years it had been a leading point in our policy to detach Spain from the arms of France; and it had been represented by our historians, as one of the most infamous acts of the infamous reign of Charles 2nd, that he had deserted his engagements with the former power, to obtain the pecuniary favours of Louis 14th. It was evident that the statesmen of France did not consider it the same matter of indifference that our statesmen did. They foresaw, that if Spain was allowed to enjoy a free constitution, she must, in any future war, fling her sword into the scale of England, and not into that of France; and, therefore, to obtain a safe frontier on the side of Spain, they deemed it necessary to crush at Madrid the rising spirit of liberty, and to bring back its noble aspirations once more to the degrading quietude of legitimacy and superstition.

With regard to the will of the Holy Allies to attack this country, he would beg leave to say a few words. It was evident, from every measure that they took, that if there was one thing which they hated more than another, it was the freedom of discussion. The lord chancellor of England appeared to be peculiarly sensitive to any remarks made upon his conduct; but the lord chancellor of England with all his sensitiveness, was not half so sensitive to them, as were the members of the Holy Alliance. It appeared to him like a moral retribution, that those who had the power of keeping others in misery, should be themselves particularly irritable when even verbally attacked by others. If any proof were wanted that they were thus irritable, he would refer to their recent interference with the internal government of Switzerland. At the peace of Paris, and indeed every year since, that country had received from the members of the Holy Alliance strong assurances of their profound respect, and reiterated protestations of their desire to maintain with it all the relations of peace and amity; and yet in that very country, which for so many centuries had afforded an inviolable asylum to all the victims of religious and political persecution, had they been guilty of an action, which, up to the present time, was unprecedented in the public history of Europe—he meant the compelling an independent state to expel from her territory persons residing in it under the protection of regular passports. In former times, it had been customary for independent states, in consequence of particular conventions made with each other, to deliver up individuals charged with certain criminal offences; but in the instance to which he referred, the parties who were forced from Switzerland were charged with no crime but that of having quitted their own country with the leave of their own government, because they entertained political opinions different from those of the persons in power in it. Such an outrage, it ought to be recollected, had taken place in that country, in which a distinguished author had said, only fifty years ago, that "every man was at liberty to criticise kings, without fear and without flattery." That liberty, however, no man could at present venture to take there. The Holy Alliance had declared it to be contrary to their sovereign will and pleasure, and, freedom of discussion was, therefore, with the inhabitants of Switzerland, entirely at an end. If, then, they could act in a manner so iniquitous and oppressive towards Switzerland, had we any reason to think that they would not act in a similar manner towards us, if they had similar power? Certainly not. Every thing they had done—every thing they had left undone, convinced him, that if they had the power, they would not want the will to put down the free discussion which was at once the pride and support of the British nation. The House knew, that the trifling share of discussion which was admitted into the newspapers of Switzerland, and which had so galled the withers of this confederation of despots, did not carry with it to the world half that weight which was contained in the unshackled productions of our own country. The members of the Holy Alliance were also acquainted with that fact; and, being so, could not but feel a much greater animosity towards the free press of England, than they did towards the comparitively feeble press of Switzerland. They hated, too, the discussions of our free Parliament, and feared, not only the speeches made from the Opposition side of the House, but also those which were made from the ministerial benches. The hon. member for Yorkshire, and the right hon. secretary himself, were deemed, and absolutely described by them, as advocates of revolution, scarcely less open and less dangerous than his hon. friend the member for Westminster (sir F. Burdett) or any other gentleman who ranked himself among the enemies of despotism. He would give the House an instance of the manner in which they sometimes condescended to criticize the productions which emanated from the press of England. In one of the papers which were laid upon the table in the course of last year, it was said—either by M. Montmorency or by M. Chateaubriand, he forgot exactly which—that it must be evident to all impartial observers, that Spain had attacked France through the medium of the English newspapers. If this were so, and if it were thought a sufficient reason for making war upon Spain, might it not be also thought a sufficient reason for making war upon England, which had allowed herself to be made the instrument of attack? He might be told, that France, which was encouraged to attack Spain by a knowledge of the weakness of her adversary, would be reluctant to attack England, from a knowledge of her strength. But, in reply to such an argument, he would merely say, that, as long as Ireland remained in its present distracted state, so long would England not be invulnerable. Whilst there were no elements out of which to form a cabinet resolved to do justice to the Catholic population of Ireland, there would be no elements out of which to form a permanent system of national security. Considering the irritated state of public feeling in Ireland, and the hopes of its inhabitants, often excited only to be as often disappointed, he looked upon it to be morally impossible, that the people of that country should listen much longer with patience to the arguments of the right hon. secretary, or consider a cabinet to be actuated by friendly views towards them, when one half of its members was for granting their claims as just, and the other half for rejecting them as extravagant; and when they only united to excite debates which they could not settle, and to raise hopes which they could not satisfy.

Let it not be supposed that in making these observations he was disclosing our weak point to our enemies. The ordinary organs of intelligence to France were always shewing to their readers the point in which we were most vulnerable. Gentlemen who were in the habit of spending their leisure time in their respective counties, might think that all the world was engaged in admiring the strength, and greatness, and glory of England; whereas, any man, who had been ever so short a time upon the continent, could not fail to observe, that, for one reason or another, all the nations of it were anxious to aim a dart at our side, and to inflict on us a severe and deadly wound. Anxious they all were for that object, but none of them so anxious as that blind and infatuated party which was now uppermost in France, and was endeavouring, with a zeal that he trusted would defeat its object, to restore the old despotism to that gallant and high-minded nation. There was nothing which it sought with so much earnestness—nothing which it longed so ardently to consummate—as the annihilation of the British constitution; the existence of which it considered to be inimical to its own objects, and fatal to its own supremacy.

If, then, such a feeling existed against us upon the continent, and if that feeling was cherished and assisted by the allied sovereigns, it remained for the House to consider, how they should oppose that formidable confederation. The first and most natural means of opposing it was by breaking it. That measure, however, he conceived to be impossible. The ruling principle of the policy of Austria for the last eighty years had been fear. At first they feared Frederic of Prussia; then Napoleon of France; and now they feared Alexander of Russia. Their special dread was, lest the emperor of Russia should conquer Turkey; and in order to dissuade him from it, they magnified to his eyes the danger of military insurrections, and persuaded him to concern himself in the west instead of the east: hence Austria and Russia were firmly united. Prussia stood in a situation not much dissimilar to that of Austria; and if the House turned its eyes to France, it would see that the French party which was now seeking to establish an aristocracy as a part of that monarchy, felt that their interests were different from those of the nation at large—that foreign aid was therefore necessary to their support, and that of all other powers Russia was the most ready and the most able to afford it. Any body who attended but slightly to French affairs, could not fail to remark, that the emperor of Russia gave and refused orders and decorations to the ministers of the king of France, just as they obeyed or resisted his requests; and that the policy of his cabinet was that at the present moment most in favour at the palace of the Tuilleries.

As, then, the interest of the allies urged them to act in concert with each other, he looked upon it as next to impossible to break asunder their confederation; and as a million and a half of men were ready to obey their commands, it became the House to consider well what means of defence they could oppose, if necessary, to this almost overwhelming force. What, then, was the defence of Great Britain? Every animal had some means of defence afforded to it by nature; and so too had Great Britain. Her natural defence consisted in her navy. Let them, therefore, see how that defence now stood. It was clear, that the members of the Holy Alliance intended to extend their system, if possible, to South America. They made professions to this country, that they had no such intentions; but that circumstance made no difference in his opinion, as he recollected, that they had made similar professions with regard to Spain. He was persuaded, from the best intelligence that he had been able to collect, that they did entertain intentions inimical to the independence of South America. They would not, indeed, send an armed force into that part of the world to execute their orders, as they had done in the case of Spain, for there could be no chance of success from it, when opposed by the united navies of England and North America; but they would send agents and missions to raise up contending interests—to promote discord and civil war—to set town against town, and brother against brother, and to undo all that had been done in favour of freedom and civilization, in the hope that the parties, after they had been worn out by a long series of civil commotions, might at last make application to them to be taken under the protection of monarchical government. If they should not be able to reduce them to such a low condition as to ask for a prince from their hands, they would still endeavour to reduce them to such a degree of misery, as would be a warning to all other states not to imitate their baneful example.

The best way of resisting measures so diabolical would be, by informing the members of the Holy Alliance, and the French government in particular, that any attempt to conquer South America by Spanish forces, whilst the French army was in Spain, would be considered as an attempt to conquer them by France for the Holy Alliance. The French army was now doing the duty of an armed police in Spain, and whilst it was performing that duty, it set free a number of Spanish soldiers to its own amount. Even upon the principal of the right hon. secretary himself, as stated in the papers now upon the table, we were bound to be neutral, only so long as Spain attacked her colonies—not when she was assisted in her attack by a third party. Now, if Spain were perfectly at liberty, there was nothing in the law of nations to prevent her from availing herself of the aid of a third party; on the other hand, if she were not sui juris—if she were under the control and dominion of France—the means which might be taken to reconquer her colonies, though ostensibly the efforts of Spain, would in effect be the efforts of the Holy Alliance. He should have wished that his majesty's ministers had gone a step further, and have declared in the face of the world, that Great Britain would not permit any succours to proceed from Old Spain across the Ocean, for the subjugation of the South American states, while the armies of France remained in the peninsula. Let France withdraw her army and abandon Spain, and then it would remain to be seen, whether the latter possessed the remotest chance of recovering her dominions on the American continent. He recommended this policy to his majesty's government, because he did not wish the Holy Alliance to deceive us again in the same easy manner that they had deceived us before.

He would now take the opportunity of saying a word or two on the papers which had been laid on the table. With one or two exceptions, he thought that it would hardly be possible to give better answers to the questions of the French government, than those which had been given by the right hon. secretary. But, though such was the opinion he entertained of them, he could not help observing that, when they were stripped of their ornament, all they amounted to was this:—"You have cheated us so often when we have met you, that we cannot consent to meet you again. You have falsified your word to us so repeatedly, that we are at last obliged to tell you that we think your faith is not to be depended on." If that were really the belief of the right hon. gentleman, then he called upon the parliament and the government to go one step further, and, as they had no trust in the professions of the Holy Alliance, to show all possible jealousy of their future proceedings. He knew that there were some gentlemen so particularly sensitive when the term war was mentioned, as to be afraid of showing any jealousy or ill-will that was calculated to lead to it; but he thought the members of this unholy confederation were at present so distressed by their past struggles, and so busy in repairing their shattered finances by British capital, that for three or four years to come they would not be anxious to go to war with Great Britain. If we waited for those three or four years, and allowed them in the mean time to pursue their schemes without interruption, he should not be surprised if, at the end of that period, they should have the audacity to offer to our consideration propositions as degrading and humiliating as they had recently offered to the consideration of Switzerland. If they did, he trusted that the ancient spirit of this country would reject them with the scorn they merited, and boldly dare the struggle with them all.

In the remarks which he had that evening offered to the House, he had the satisfaction to know, that the cause which he had been pleading was not a private but a general cause—was not the mere cause of the independence of England, but the cause of the independence of Spain, of Europe, of the world—was not the mere cause of this or that political theory, but the glorious cause of humanity, of civilization, of science, of freedom, of every thing that dignified and adorned our common nature. The present contest upon the continent was, on the part of the Holy Alliance, to subdue in man all that connected him with a superior state of being, and to degrade him to a level with the brute creation. "Conscientiam generis humani aboleri arbitrantur, expulsis insuper sapientæ professoribus atque omni bonâ arte in exilium actâ, ne quid usquam honestum occurreret." Such was the policy that these conspirators against the moral dignity of human nature followed and avowed. Every success that we gained over it was not only calculated to support the interest of Great Britain, but to establish the independence of the world and the glory of mankind, and to secure to ourselves the blessings of the latest posterity of every nation under heaven. —The noble lord then concluded by moving,

"That an humble address be presented to his majesty, that he would be graciously pleased to give directions that there be laid before this House, copies or extracts of any communications that have been received from the government of France respecting the evacuation of Spain by the French army."

Sir *Robert Wilson* expressed his solicitude to offer himself to the notice of the House on a question of the highest importance to the foreign policy of this country, involving the dearest interests of ten millions of Spaniards, and collaterally affecting the future happiness of several millions of the people of Portugal. With this impression of its importance, he rose to support the motion of the noble lord, differing, however, with him in some points, persuaded that the promulgation of such sentiments as those which had fallen from the noble lord must prove of the greatest value, not alone to the people of Spain, but to the people, of every nation, whose independence and liberties were compromised by the success of the unprincipled aggression of France. Of that atrocious aggression, it was some consolation to think, that no subject of a free country ventured to be a defender. Even success which, in too many instances, was wont to extenuate crime, had, in this case, only added horror and enormity to the original offence. It was impossible —after the proofs which the government of France had unequivocally given of its policy, and after the avowed intentions of the Holy Alliance —it was impossible, he thought, that a British statesman should be found, who did not view with jealousy and alarm the military occupation of Spain. For his own part, he considered that occupation as a scandal to the character of this country; and that the ministers of the Crown were at least bound to afford to parliament the fullest explanation on a question so intimately connected with our dearest interests. The noble lord had justly observed, that we should have declared broadly to the Spanish government, that no interference on her part would be allowed with South America, so long as the armies of France should remain in the peninsula. It was an omission, which if the correspondence which had been laid on the table had supplied, would have made the conduct pursued by the British government, on that part of the question highly satisfactory. And he regretted that omission the more, in consequence of information which he had heard within the last twenty-four hours. It had been communicated to him, that the Spanish government had proposed to send an ambassador to this country, for the purpose of meeting the deputies from the South American states, and entering with them into an arrangement, with the view of obtaining for Old Spain commercial preferences. Now, if that information was well founded, he should consider such an arrangement prejudicial to British interests, unbecoming the character of our government to accede to, and most disreputable to the principles and policy of the South American governments. It was their duty to recollect, that they were contending not alone for their own interests; but that, in the issue of that great struggle, the liberties of the other states of the world were involved. For, what commercial advantages did the Spanish government propose to itself by such an arrangement? What, but the power to raise money, in order to be enabled to pay France for the continuance of its troops to subjugate the people of Spain? The inability to maintain that army, from the want of resources on the part of the Spanish government, though a slow, was perhaps likely to be an efficient remedy. But, even that remedy would be prevented, if any such arrangement with the South American states was carried into effect, upon the principle he had adverted to. If, on the contrary, it was made the basis of any arrangement, that the armies of France should evacuate the peninsula, such an adjustment would be highly honourable. All that the people of Spain demanded, was the power to regulate themselves. Relieved from the overwhelming power of the French army, if the people of Spain were deserving of liberal institutions, they would obtain them, or, at all events, it was most probable that the king would then feel himself under the necessity of fulfilling his engagements to his subjects. For he could assert upon the best authority—authority that needed only to be mentioned in that House, to be received with the credit that his distinguished reputation merited—he meant general Alava—that king Ferdinand, when under no restraint, gratuitously pledged himself to a general amnesty, avowing at the same time that he disclaimed all political proscription, any vindictive re-action, and above all, that it was his determination to uphold all the pecuniary engagements of the constitutional government. Nay, he had gone further, and declared his readiness to accede to a representative system, if such should appear to be the wish of the people of Spain. What, then, was the natural inference from such a statement? It was this, that the government of France alone prevented the Spanish king from fulfilling his solemn and spontaneous pledges.—He (sir R. Wilson) felt it but justice to the right hon. gentleman, his majesty's secretary for foreign affairs, to declare, that he believed no man more sincere in his hopes that Spain would have been able successfully to resist the aggression of France. He gave the right hon. gentleman credit also for a desire to preserve that strict neutrality which he professed, whatever conduct other parties might have pursued. But, in making those acknowledgments, he had heard with regret the right hon. secretary assert, that the evacuation of Spain by the armies of France would be an event which, under existing circumstances, he should deplore, for the sake of humanity. No man would go further than he was inclined to go, to restore peace and tranquillity to that distracted country; but, he would never consent to purchase a temporary and partial benefit, at the sacrifice of the great, and permanent, and comprehensive interests, in which the happiness of the civilised world was involved. As he before stated, it was the presence of the French army that had prevented that general amnesty, which the king of Spain had promised, and which would to Spain have been the best guarantee of returning peace. In the alternations of human events, humanity was not always a pacific quality—it sometimes assumed, and necessarily assumed, a belligerent character. To the people of Spain we owed every measure of relief that their misfortunes needed, and that our power enabled us to afford. We owed it to the acknowledged and ancient policy of this country, to recover that influence which had so long existed. Spain free was the natural ally of Great Britain. Spain enslaved could find no other connexion but in the arms of France. He had given the right hon. secretary full credit for the sincerity of his intentions towards Spain, when the odious aggression of the French government was about to be carried into effect. He could not, however, extend this approval to the policy that had been acted upon by his majesty's government at Verona. He knew well that there existed, both in the aristocracy and in the commercial classes, a predominating opinion, that no course ought to be taken which might possibly involve this country in war. Some there were who felt indisposed to the Spanish constitution, because they conceived it not calculated for permanence, from the want of a second chamber. There was another, and he believed the prevailing party, who, though hostile to the aggression of the government of France, and not disinclined to inflict on it the punishment it deserved, were still apprehensive, that if Great Britain interposed, France would have been thrown into a revolutionary attitude, and the safety of the Bourbons endangered. There was, however, another course of policy which, happily for Spain and for our own reputation, this country might have pursued at Verona, and which he was prepared to prove would have been effectual. We might have protested, without any menace, against the principles on which the Holy Alliance had proposed to act, reserving to ourselves the right of subsequently taking that course which our own sense of duty indicated. That course, he was prepared to contend, would have been effectual. And why? Because, if England had not avowed a determined neutrality—if she had reserved to herself the power of taking any course her interests warranted, after she had entered her protest against the principle, the Holy Alliance would have faultered. They knew well, that if Great Britain was disposed to prevent the realization of their views, there was scarcely an inhabitant of the many countries from the Niemen to the Adriatic, that would not have rallied under its standard. The king of France would never have dared to stir a step after such a declaration from this government; for he who had acknowledged that the owed his crown to the friendship of the Prince Regent of England, well knew that he could not wear it long without our support. But, when once British neutrality was avowed, from that moment all their fears vanished—from that moment the despots of the continent felt themselves freed from every difficulty. Then it was that France proceeded to combine, in her attack upon the Spanish people, a maritime and military co-operation—then it was that blockading squadrons were sent against the ports of Spain; that Cadiz, Barcelona, and Alicant were shut up. He would put it to any lord of the Admiralty in that House to say, whether, if Great Britain had suspended her declaration of neutrality, a single frigate would have ventured out of any of the ports of France; much less have commanded the gut of Gibraltar, boarding every vessel, English or otherwise, that was pursuing its destination. The moment the word neutrality escaped the British ministry, then it was that the king of Spain had determined to throw himself into the arms of France, and that the treasons of Abisbal, Morillo, and Ballasteros, were generated. From that unfortunate moment also, dismay and despair, pervaded the government and the armies of Spain. He knew it had been said, that the constitutional party in Spain consisted only of a small fractional part of the population. For the sake of the argument he would grant it hypothetically; yet it was to be recollected, that if it was that fractional part, it comprehended all that was enlightened, patriotic, intelligent, and amiable in the kingdom of Spain. Whatever were the faults of the constitutional government—and he did not appear there as its advocate in all its measures—their efforts proved that they possessed hearts which qualified them to preside over the institutions of a free state. Another objection was imputed to them on the score of religious intolerance. It was true, that circumstances compelled them to declare an exclusive religion; yet there was not a man amongst them who was not persuaded that political freedom could not exist without religious toleration. It was this conviction that armed the Church of France against the free institutions of Spain—it was the aversion which that intolerant Priesthood felt, that gave birth and vigour to the religious crusade against its independence. Theocracy they determined was to be maintained in Spain. For that purpose the unfortunate emperor of Austria was induced to interfere—for that purpose the emperor Alexander, no matter what his own religious doctrine was, was impelled to dictate; because he knew that wherever the Catholic religion was exclusively dominant, it was a most efficient instrument in shackling—not alone the minds, but the persons of its votaries: but he denied that the constitutional party was that fractional portion of the people of Spain which some persons assumed. Its history from the beginning to the subdivision of the constitution, proved that it was supported by a very considerable body of the Spanish nation. It was maintained by an army of 10,000 men. It was assented to, because it was demanded by the people, by a reluctant king. When attacked by a foreign army it occupied an army of 100,000 men for eight months to subvert it. But above all, it required the intrigues of the confederated tyrants of Europe, and ten millions of gold, to be expended, before its institutions were destroyed. But if there remained a doubt of its strength, the existing state of Spain was the most unquestionable proof. If the constitutional party were that contemptible faction, how came it that France continued her armies in Spain, and that her despotic flag waved over every fortress of the peninsula? He was not one of those defenders of the Spanish people who were prepared to state that in their defence of their country they had entitled themselves to the admiration of mankind; or even that they had satisfied all the hopes that the character of the struggle had induced many to form. But, he did feel that it was of importance that their reputation should not be undeservedly depreciated. It was to be borne in mind, that the Spanish people, at the time of the French invasion, were not in a state of anarchy—that they were subjected to a government to which they had entrusted their protection. That the government on which they depended did not discharge its duty, he was prepared to admit. It had left the nation in a state of nakedness and impoverishment. It had unhappily provoked the nobility, by making war on their privileges, and it had exasperated the Church, by a diminution of the tithes to the extent of one half. In making these charges he did not attribute to them any bad motive; but the effects certainly were most unfortunate to Spain. Nay, it quarrelled with that very army which had established the success of the constitutional system. It did that to quiet the alarms of France. It did so, under the fallacious but honest hope of disarming the jealousy of the Holy Alliance. It acted, also, under what, in their case, was a mistaken impression, namely that a standing army was inimical to liberty. Perhaps he could not give a better description of the feeling that actuated the Spanish people, than by describing that spirit of which he was a witness, in the Isle of Cadiz, just previous to its surrender. The people were not responsible for what their government did, and the constitutional party at that time remained, with their honour unsullied, quite prepared for resistance, and ready to receive any protection which this country might be inclined to give. They all knew that Cadiz communicated with the continent by a long neck of land, which required a considerable force to defend it. The place itself was 25 miles in circumference and required at least 25,000 men for its defence. What, he asked, was the real force of Cadiz, after the capture of the Trocadero (where 1,500 men were slaughtered), while the French fleet commanded the entire coast? The whole force amounted to 9,700 men. Not a chevaux-de-frize—not a palisade was erected. There were no stores in the magazines. No provisions could be obtained. It was true there were plenty of provisions in the town; but it was directed, that those provisions should not be taken, because if they were made use of, it was feared that the inhabitants would have evinced a hostile spirit. In the military chest, on the day the city surrendered, there were only 15 dollars to pay the army; and on the batteries there were but five pieces of brass cannon fit for service. These were proofs which could not be shaken, that the Spaniards, during the siege, were not unmindful of the prowess and glory of their ancestors. While the bombardment was going on, men, women and children might be seen animating each other to resistance against the unprincipled invaders. There was a forlorn hope, consisting, in part, of men of high consideration, who, at that critical period, were quite prepared to sacrifice their lives for the good of their fellow-countrymen. A Spaniard was capable of the most heroic exertion, of the noblest effort, when once his mind was roused and excited in a just and honourable cause. He was bound to defend the government of Spain, not against any positive charge, but against certain remarks which had been indulged in on a former occasion, when some allusion had been made to the deposition of the king of Spain. He knew, that to depose a king for a few days looked like a folly; it appeared to be an act of insanity; and yet he would venture to say, that that very act, so much condemned, and treated in so sarcastic a manner, was the salvation of the life of the king of Spain and of the royal family. It was only under an act of the constitution that the king could, by possibility, have been brought to Cadiz. He was determined to erect a despotism. He was determined to persecute every man who thought liberally, and more especially those who were at the head of the new government. This was well-known; and such was the general feeling against him, that if he had fallen into the hands of any body of Spanish troops, it would have been impossible to have prevented them from executing a sanguinary act of vengeance. It was for his preservation and for that purpose only, that a temporary deposition was resorted to. Those who advised it well knew that the people would cheerfully obey any act which the constitutional authorities sanctioned; and, in consequence of their policy, the king was suffered to proceed on his journey unmolested. The reward of those who had thus ensured his safety, was an unrelenting proscription directed against them and all their connexions. The delay in the evacuation of Spain by France was occasioned, it was said, by the necessity of preserving tranquillity in that country. But, how could he place any confidence in the promises of France, when he recollected that the duke d'Angoulême himself refused the proffered mediation of England? That proffer was made in the plainest manner during the siege of Cadiz; and the answer was, that France would not allow the interference of any power, much less that of England, she being determined to efface every shadow of the constitution. What in other respects had been the conduct of the duke d'Angoulême? Did he not, in violation of all honour—in opposition to every feeling of clemency—surrender to his most implacable enemies, the brave, the patriotic, the virtuous, but, he grieved to say, the unfortunate Riego? He did so—although he must have known, that to that gallant individual's personal courage the king owed his very life. But posterity would do him justice. His name would live in the annals of history, gloriously associated with those patriots who had died in the cause of liberty—while the names of the duke d'Angoulême and of the murderers of the gallant Spaniard, would descend to posterity, accompanied with loathing and execration. It was said that Riego had been guilty of cruelty. He denied the assertion; and he denied it on this ground—that if such a fact could have been adduced—if such a fact had existed—the regency of Spain would have introduced that fact into the indictment against Riego [hear]. He therefore would maintain, that the execution of Riego was a foul murder. He hoped that this country would yet take that station which, from her political, commercial, and moral energies, she had a right to assume. He did not call on the country to go to war; but this he would say, that she ought to oppose the confederacy which had been set on foot against the liberties, not merely of Spain, but of all Europe. The House and the country must look with horror and detestation towards that combination of sovereigns, who were united solely for the purpose of preventing the extension of liberal principles—whose great object was, to retard the improvement, the civilization, the happiness, of the human race.

He now came to a point of much delicacy. He knew how unpleasant it was to request the attention of the House, when the subject on which they were to be addressed was connected with any matter of a personal nature. He had hitherto refrained from adverting to any transaction of the last year, so far as he was himself personally concerned. He was desirous to do so, not that he shrank from any personal responsibility, because he felt that whatever he had done was done in the discharge of a conscientious duty. He had wished to overlook entirely, or to treat with indulgence, any animadversions which, during his absence, might have been made on his conduct. But, when an attempt was made to despoil him of his honour—to deprive him of that which alone was left to recompense him for past services—he felt himself bound, as a representative of the people, from that tribunal, where he was placed on a level with the most exalted, to repel the charge—to refute the slander—and to vindicate his character. He did this fearlessly, it was true; but he did it under circumstances that were most painful to his feelings. It was necessary for him to make a short statement to the House, relative to events in which he had been an actor. No gentleman who heard him could, he believed, suppose that motives of personal vanity urged him to make that statement. He hoped every honourable member would put his hand on his heart and say, whether, if he had received such treatment as he (sir R. W.) had met with, he would not have felt indignant, and whether he would not, with pride, have seized the first opportunity to meet every charge that might have been alleged against him? His exultation at the certainty that he could repel every slander which had been uttered against him, was necessarily mingled with that regret which every man must feel, when called upon to be the narrator of his own achievements. There was no individual, he believed, who was not aware that he (sir R. W.) had worn certain honourable insignia, which he had not purchased—which he had earned in the field—and which were bestowed on him, with the approbation of all whose approbation was of value. The first of these was the insignia of the order of Maria Theresa. It was conferred on him for his share in a service which, for bold daring, promptitude of execution, and brilliancy of success, was not excelled by any military achievement of the present day—he alluded to the rescue of the emperor of Austria. That monarch had advanced a considerable way from the allied troops, when he suddenly found himself in the presence of two French divisions by whom he was surrounded. No sooner was the fact ascertained, than the cry of "Rescue the Emperor" became universal. A charge was immediately made for that purpose. The cavalry were opposed by a large mass of infantry, supported by cannon. The charge was, however, irresistible; the French were obliged to give way, and a complete victory was obtained. The most important result of that victory was the preservation of the emperor. For this service, he was rewarded with the order of Maria Theresa. The emperor ordered a medal to be struck, which was to be presented to different officers; but finding immediately afterwards, that he had it in his power to confer the order of Maria Theresa, he desired lord Minto to forward to him (sir R. W.) a letter, stating that he had bestowed that order on him, and requesting him to retain both the medal and the order "as a mark of his approbation and lasting gratitude." The next order he received was that of St. George of Russia, which was conferred on him for his services in the battle of Lutzen. After that battle, the emperor of Russia addressed him in language which he could not state to the House. It would be sufficient to say, that the emperor was full of professions of everlasting gratitude. He wore, at the time, the grand cross of the order of St. George, which he took off and presented to him—an honour, he might be permitted to observe, which was not conferred on any other officer. The next mark of approbation which he received was immediately after the battle of Dresden. It was his good fortune to be the first that mounted the parapet of a formidable battery. In scaling that battery, he happened to lose the insignia of the order of Maria Theresa; but the emperor immediately repaired the loss. In the letter which the emperor wrote to him on that occasion, he said—"Finding you have lost an order, and lost it in so gallant an effort, I hereby send you another;" and he again repeated his assurances of eternal gratitude. The next order he received was that of the Red Eagle of Prussia. When the king of Prussia sent that order to him, he expressed, in strong terms, his assurances of kindness and regard. In speaking of the injustice with which he had been treated, he wished, as much as possible, to except the king of Prussia, because he believed that monarch was placed in circumstances which compelled him to do things that he would willingly have avoided. The next order with which he was honoured, was for his conduct in the battle of Leipsic. On the second day, the Prussian forces were so considerably advanced, as to be separated from the Austrian and Russian army. Using that authority which his situation, and the confidence which was reposed in him prompted, he brought up some cavalry and guns, for the purpose of seizing a spot of ground which was on the point of being occupied by 12,000 French and a large body of Polish cavalry. He happily succeeded, and thus preserved the communication between the Prussians and the other allies. prince Schwartzenberg had forwarded a letter to the earl of Aberdeen, the British ambassador—he mentioned names because the individuals could be referred to—in which it was stated, that the emperor had conferred on him the order of the Golden Fleece, for that specific service. This annunciation was accompanied by another letter from the emperor of Austria, in which that monarch observed, that he (sir R. W.) was still accumulating debts against him; and he ended by stating, that his gratitude would be as lasting as his life. At Frankfort, the emperor of Russia and the grand duke Constantine had expressed themselves in the warmest terms of approbation, with respect to his various services, and the order of Leopold was then conferred on him. He knew not any thing which had since taken place, which ought to have diminished the gratitude of the emperor of Russia, although that gratitude appeared to have vanished.

Now he would ask, having stated thus much, what was the amount of charge against him? Of what infamy had he been guilty? Why had he received that indignity, which had been studiously cast upon him? Was it for his conduct during the continental war? Was it for having professed himself willing to assist those who were struggling for independence? Was it for having been, at all times, the advocate of union and concord amongst all parties? Was it for giving liberty to a number of Frenchmen, who were detained in Spain under circumstances the most perilous? Was it for going to Spain—not as the friend of anarchy, for such he had been represented—but at the express invitation of the king himself, to proceed there and take the command of his army? Was it after he had gone there, for having paid every constitutional respect in his power to that monarch? And he would appeal to the ambassador of Saxony, and to general Alava, whether he had not been the means of giving protection to that sovereign, by pacifying the troops? These were his acts—these were his crimes, if they could be so denominated. He therefore appealed to the House, the country, and the world, whether the allied sovereigns, though they had torn the insignia from his breast, had been able to stamp shame upon his brow? Individually, he had nothing to say of those monarchs; but when they were mentioned as members of the Holy Alliance, he would, while they pursued their present course, always speak of them as enemies of the human race. One word he must say with respect to the king of Portugal. He had received an order from that monarch, which, under circumstances the most cruel, he felt it necessary to resign. Six weeks after he had done that act, he found in the English papers a letter from the king of Portugal, stating, that he had taken away the order. Now, that letter was antedated two days, for the purpose of making it appear that the order had been recalled before he resigned it. He pledged his honour to the fact. He would not appeal to any man for the truth of it; standing there, and pledging his own word to the correctness of the statement, was, he thought, quite sufficient [hear, hear]. After all, he believed the king of Portugal to be a man "more sinned against than sinning." He was certain, that the minister of that monarch had persuaded his master to do that which disgraced him as a sovereign; namely, to sign his name to a falsehood and a fraud.

He now came to a matter which nearly touched his feelings, and which showed the malignity of the French government towards him. He would ask, whether any man, who was a father, could hear without indignation of the petty tyranny with which his children had been visited in France? Two of his daughters, who were coming to this country from Paris, were wantonly arrested by the mayor of Calais: they were not taken to a custom-house, but to the town-house: they were there searched, and nothing improper having been found on them, they were released: but the mayor had previously told the captain of the vessel not to wait for them, as they were likely to be detained. An application was made to the French government on the subject, and the answer was, that positive information had been received, that those children were intended to be made the instruments of conveying political correspondence between the two countries. He knew not what information the French government was possessed of; but this statement implied that he was acquainted with some private political intrigue. This was a calumny and a falsehood. He had no political correspondence; and he had not received or written any letter, that might not go open to the whole world. If, however, the contrary were the fact, the officers might have obtained the papers by seizing them when his children came out of the hotel. But that would not do. Insult was the object of the government. They wanted the children to go down to the ship, that they might, for the purpose of mortifying them, arrest them there. They wished it to be supposed that they were left behind as criminals, and were anxious to expose them to all that indignity which a gaping crowd generally bestowed on the objects of their attention. It was quite clear from another circumstance, that insult alone was their object. He had sent a female attendant to take the children over: it appeared that an order was given to the officers that she should not be searched, although she insisted on it. Now, he asked, if their object was to discover a secret correspondence, would not the officers have searched that female? It was, on the whole, one of the most base and unmanly acts, that was ever perpetrated. If the French government had made an apology, he would have said nothing on the subject; but as they only stated that they had received the information he had mentioned, he must designate the conduct which was pursued towards two children of such an age and such a sex as most ignoble and dishonourable. Sir Robert concluded by returning his sincere thanks to the right hon. gentleman (Mr. Canning) for the spirit and feeling with which he had noticed this outrage [hear, hear].

Mr. *Littleton* said, that as it must have been painful to the gallant officer to state his own personal circumstances to the House, he seized the first moment to assure him, that no change which had been effected, either by the caprice of others, or from any indiscretion of his own, could induce him to view the gallant officer in any other light than as one of the brightest examples of chivalric courage and generosity, to be found in the history of modern times. With respect to that part of the gallant officer's speech which related to his conduct in Spain, he must say, that no man had a greater right to deplore the degraded situation of that country, than he who had himself contributed so much to its glory. He would not follow the noble lord through the long historical excursion which he had taken; but he must in the outset say, in justice to himself, that he did not oppose the noble lord's motion because he was dissatisfied with his ideas of constitutional independence, or because he did not deprecate the conduct of a great military state, in endeavouring to extend its boundary contrary to the dictates of national faith, and of international law. On the contrary he rejoiced exceedingly when he saw the government of his country disposed to resist the self-styled Holy-Alliance, in any scheme which they might have entertained of aggrandizement. Public opinion had been enlisted against the conduct of France with regard to the invasion of Spain, and he believed that act would not lessen the dangers which France, by taking up arms, supposed she could effectually turn aside; but, while this government acted properly in declaring that they would not allow the rights of nations to be invaded with impunity, he thought their conduct was wise and prudent, in keeping out of war if they could do so with honour. In conformity with that sentiment, he conceived the House was right in rejecting a motion made last year by the honourable member for Calne. If, at that time, they refused to sanction an address of the nature then proposed, he thought that the same consideration would now suggest the continuance of the same prudent system. When they refused their interference last year, it was because they felt the necessity of the temporary occupation of Spain by France. The same necessity, he believed, still existed; and therefore he thought they ought not to agree to a motion, which would place this country in a very difficult situation. Besides, if this government were, in a dictatorial manner, to state what they thought the conduct of France ought to be, it might wound the pride and dignity of that power, and lead to circumstances of an unpleasant nature. He never would advise that Great Britain should truckle to France; but good policy required that we should preserve a tone of moderation as well as of firmness in our dealings with that power. The king of France had, on several occasions, solemnly denied that he entertained any projects of ambition. As to the particular point of the evacuation, he would beg leave to refer the House to a despatch of Mr. Secretary Canning to sir Charles Stewart, dated March 31st, 1823. In that despatch, the right hon. secretary opposite called the attention of the ambassador to the position in which France and Spain were placed, and after pointing out that the British government had exhausted its efforts to effect an adjustment of the differences between them, and after stating the proceedings of our government at the congress, he went on to state the conditions on which France might avoid seeing this country in an attitude of hostility. He begged leave to call the attention of the House to the passage in that despatch, as it was most important with regard to the present question:

"It remains only to describe the conduct which it is his majesty's desire and intention to observe, in a conflict between two nations, to each of whom his majesty is bound by the ties of amity and alliance. The repeated disavowal, by his most christian majesty's government, of all views of ambition and aggrandizement, forbids the suspicion of any design on the part of France, to establish a permanent military occupation of Spain; or to force his Catholic majesty into any measures derogatory to the independence of his crown or to his existing relations with other powers. The repeated assurances which his majesty has received, of the determination of France to respect the dominions of his most faithful majesty, relieve his majesty from any apprehension of being called upon to fulfil the obligations of that intimate defensive connexion, which has so long subsisted between the crowns of Great Britain and Portugal. With respect to the provinces in America, which have thrown off their allegiance to the crown of Spain, time and the course of events appear to have substantially decided their separation from the mother country; although the formal recognition of those provinces, as independent states, by his majesty, may be hastened or retarded by various external circumstances, as well as by the more or less satisfactory progress, in each state, towards a regular and settled form of government. Spain has long been apprised of his majesty's opinions upon this subject. Disclaiming in the most solemn manner any intention of appropriating to himself the smallest portion of the late Spanish possessions in America, his majesty is satisfied that no attempt will be made by France, to bring under her dominion any of those possessions, either by conquest, or by cession from Spain. This frank explanation upon the points on which perhaps alone the possibility of any collision of France with Great Britain can be apprehended in a war between France and Spain, your excellency will represent to M. de Chateaubriand, as dictated by an earnest desire to be enabled to preserve, in that war, a strict and undeviating neutrality—a neutrality not liable to alteration towards either party, so long as the honour and just interests of Great Britain are equally respected by both. I am commanded, in conclusion, to direct your excellency to declare to the French minister, that his majesty will be at all times ready to renew the interposition of his good offices, for the purpose of terminating those hostilities, which his majesty has so anxiously, although ineffectually, endeavoured to avert."

Had the noble lord any reason to suppose, from the conduct of France with respect to two of these conditions, that she had no regard to the conveniency and opinions of the government of this country? As to Portugal, let it be remembered, that France, had faithfully avoided all occasion of conflict with, and had rigorously abstained from infringing the neutrality of, that country. As to the condition relative to South America, the communication lately laid on the table of that House by the right hon. secretary shewed what had been the conduct of France. He would ask, then, what peculiar circumstances there were about the mode in which Spain was occupied by the French army, which should lead the House to press ministers prematurely on the subject, or to suspect France of an intention to violate that faith which, up to the present point, she had most perfectly maintained? Honourable members would not forget the manner in which the right hon. secretary had been called upon for disclosures with respect to South America, at the commencement of the session—the urgency with which he had been goaded to speak out upon that question—when it turned out, eventually, that the very views which the right hon. secretary was charged with delaying, he had actually communicated four months before to every government in Europe; and a more dignified, or statesman-like document than that which contained them, had never, he would venture to say, issued from the office of a minister. For himself, he did not know at what time precisely the evacuation of Spain by France was to take place; but he should feel no surprise at seeing the right hon. secretary shortly come down, with documents, which would prove him to have been long in possession of the most satisfactory assurances upon the subject. But, what were the grounds on which hon. gentlemen distrusted the French government as to the evacuation of Spain? If his right hon. friend were as much the enemy of France as a man could be, could he possibly place her in a more embarrassing situation than she was placed in by her occupation of Spain? That country offered no resources whatever to France. To use a homely illustration, she had taken a wolf by the ears, and could neither hold him fast nor shake him off with safety; she found Spain a source, not of strength, but of weakness. The king of France was engaged, not in projects of ambition, but in the better task of reconciling conflicting parties, and healing the wounds of a country torn in pieces by factions, and which had lost every thing, except the restlessness of disposition in its people which was always the result of a revolution, and which might probably make the people of Spain rise on its present government, whenever the French military should be withdrawn. There was another circumstance which should induce the House to pause before it pressed the government for assurances as to the evacuation of Spain, or suffered any motion to be founded upon the subject. France herself, it should be recollected, had been subjected to military occupation; and England, who was now to challenge her conduct, had been the occupying power. It ought to be remembered, before we called hastily upon France to account for her continuance in Spain, that we ourselves had sat down in France, for three years, at the head of 150,000 men. He saw no reason for that jealousy which the noble lord seemed to entertain of England losing her ascendancy on the continent. England was the only free state in Europe; and she was indebted for her influence, much more to her moral power than to her arms or her wealth. The arbitrary monarchs of the continent knew that the greatness of her strength consisted in the moral influence she exercised over the nations of Europe. The whole motion of the noble lord was founded on jealousy and mistrust of France. He thought there was no reason for that jealousy, and he would therefore move, as an amendment to the motion of the noble lord, "That this House, being satisfied of the firmness and sound policy which have guided his majesty's councils in respect to the late hostilities between France and Spain, and considering the several conditions with which his majesty's declaration of neutrality in that contest was qualified, sees nothing in the present circumstances that calls upon the House to express any apprehension of a permanent military occupation of the Spanish territory by France."

Mr. *Gooch* rose to second the amendment. He fully concurred, he said, with the whole of the speech of the hon. member for Staffordshire, but in no part of it more heartily than in the compliment which he had paid to the hon. member for

Southwark;—he looked on him, indeed, as a gallant General. He saw no reason, however, from any arguments which had been advanced by the gentlemen opposite, to call on the government to produce papers relative to the evacuation of Spain. After the great ability which had been displayed by ministers, he saw no reason now to mistrust them, or to suppose that they were not perfectly satisfied that France did not wish permanently to occupy Spain. They had shewn their opposition to the Holy Alliance; and he also had a mistrust of that Alliance; but, because he disliked their principles, he did not think that a sufficient reason for government to declare war against it. He would ask, had the Spaniards shewn themselves worthy of our interference? and, if we had interfered, would not the war have become, from the moment a British soldier was landed in the peninsula, a British war? The conduct of Spain had been such as not to merit our interference; and he would, therefore, cordially second the Amendment.

Mr. Secretary *Canning* rose, after the question had been put from the chair, and while the gallery was clearing for the purpose of a division. He had waited, he said, and naturally, until the very moment when the House was being called on for its decision; for he could scarcely persuade himself, that a motion, brought forward after such immense preparation, and a motion, to the effective prosecution of which one other hapless motion had already been sacrificed, was itself in its turn to be abandoned by all the accustomed supporters of the noble mover. He could hardly believe, seeing as he did over the way, a victim, who had, on a former night, been completely deserted, and whose friends out of doors had given as a reason for that desertion, that the great effort was to be made upon a motion yet to come, and that it would not be prudent, by any previous display, to weaken the impression which was then to be produced—he really could scarcely be convinced, when he recollected these things, that the debate of the present night could have been about to close at the moment when he had taken it up; and that not only the motion of the noble lord opposite was to go entirely unsupported, but such an amendment as that proposed by the hon. member for Stafford be suffered to pass without a struggle against it. But, if he was surprised, he was not dissatisfied with the disposition manifested by the House: for it was impossible to look at the noble lord's motion by itself, or to consider it in any other light than as the last of a series—no—he begged pardon—it was only the third, and it might not be the last—in which an attempt had been made to take away something from the recorded approbation of the House. He said "from the recorded approbation of the House," and he thought he might add, of the settled opinion of the country, in favour of the conduct of government in the late contest between France and Spain. Twelve months back, when the first great attack had been brought forward, it had been anticipated, that the triumph of those who put the government upon its trial would be complete. The debate was to be triumphant—overpowering—final. All who had taken part, even slightly, in the impugned transaction, were to be swept away; But how did the affair turn out? Where was the victory and the song of joy—Exitus ergo quis est?

> "Hide blushing glory—hide Pultowa's day!"

Never had rout and overthrow been so complete! [Laughter and great cheers.] The records of parliament afforded no example of defeat so unqualified. In no age, at no period within the stretch of parliamentary history, could an instance be found of a failure so heavy; or of any failure by a thousandth part so grievous and extensive, taking into account the confident anticipations by which the enterprise had been ushered in. Upon that occasion, the general policy pursued by the government had received the approbation of the House. So far, therefore, as to the main consideration, the question was at an end. But, in the course of the session, the war having concluded, it was thought that particular parts of the transaction might be selected, in which blame might, up to a certain point, be fixed upon the government, without attacking the general vote of approbation; and, on that occasion, a noble lord opposite (Nugent), after bringing forward the question in the shape of a most unreasonable and untenable proposition, conveyed in a most temperate and eloquent speech, had been left in the deserted state to which he (Mr. C.) had already adverted.

The noble mover, on the present evening, had come forward upon a second insulated point, and he, in spite of his noble ally's fate, expected to make a considerable impression. But he (Mr. C.) said again, that it was impossible to view the noble lord's proposition singly. The proposition was not, that it was contrary to the interests of this country that France should remain in possession of Spain. If that were the proposition, it would be a proposition self evident—a proposition which no man could think of contradicting—for no man could suppose that it was the policy of England, that France should remain in the permanent possession of Spain. But the proposition of the noble mover, taken fairly, came to this—when the House had come to the resolution of deciding, that it was not expedient for England, at the risk of compromising her neutrality, to prevent the war between France and Spain, it had not contemplated a temporary occupation of the latter country by the troops of the former. The question now was, whether that occupation had been conducted in such a spirit, or had continued for such a time, as to raise a fair presumption, on our parts, that it was meant for other purposes than those which were professed; and, if this could be made out, whether the noble lord opposite had a right to call upon the House for an expression of opinion upon the subject; or whether, that fact not being made out, there was sufficient in the general proposition of the noble lord, applied not to the aspect of immediate circumstances, but to the received policy, and ordinary conduct, and probable views of France—whether there was sufficient in this state, to warrant him in calling upon the House for its interference? Now, the hon. member for Stafford had said, and said truly, that, if the noble lord really thought that the occupation of Spain had continued longer than was consistent with the safety of England, he should have moved, not for papers, as he had contented himself with doing, but, at once, for an address to his majesty, praying that he would call upon the king of France to withdraw his army from that country. But, the noble lord set out by a course which was negative in itself. He began by saying, "I will believe no assurances given by France," and concluded by desiring the House to get at those assurances. Why, if the assurances were good for nothing, surely the noble lord ought to look for some better security. But, setting out by saying, that nothing which was stated by France could be believed, the noble lord fell short of his own inference, and was satisfied to stop with moving for French declarations. The question, however, for the House, was, whether the noble lord had laid a parliamentary ground for the production of the assurances in question; and he (Mr. Canning) was ready to argue the point in any way—to suppose either the existence of such professions, or their non-existence. He would suppose government to be in possession of assurances from France, that the occupation of Spain was to be given up at the first practicable moment. Then, if those assurances were produced, the noble lord would be bound to say he did not believe them. On the other hand, suppose such assurances not to exist, and suppose them not to exist because they had not been asked for—then, how did he (Mr. Canning) defend himself? His defence was a short and a plain one. He said, that, at the outset of the quarrel between France and Spain, this country had qualified her neutrality by three specific conditions. The first of these was, that Portugal should not be attacked. The second was, that there should be no interference with South America. The third was, that there should be no permanent occupation of Spain. And, though there was no distinct declaration contained in the despatches, as to what would be the consequence of any breach of these conditions, yet no man who was in the least degree versed in diplomatic affairs, would deny, that it must have been fully understood that no violation of them would be permitted by this country. Two, then, out of these three conditions, had already been virtually performed. Portugal had not been molested; and South America was left untouched—for every one admitted the declarations of France upon that last point to be sufficient. Then, if two of the French conditions had already been performed in course, what right had we to doubt the due performance of the third? Three months back, if the declarations as to South America had been asked for, they could not have been produced. He (Mr. C.), in declining to bring them forward, must have stood upon worse ground than he occupied at present. He should have argued for the necessary delay, and (he hoped) have obtained it; but there would only then have been one pledge from France fulfilled; and that the weakest, as an argument, because the temptation was the least to its viloation. But, two conditions—one a most material one—were now complete; and government surely had a right to claim exemption from the necessity of further discoveries—discoveries which, as regarded the noble lord, would be of no value, because nothing but the fact could prove the fact; nothing but the actual evacuation of Spain could convince those who were unwilling to believe that that country ever would be evacuated. For himself, he declared, as a minister and an individual, that he believed France was as anxious to put an end to the occupation as the noble lord, or his friends, could be that she should put an end to it; but he was equally sure, that if it were put to him to say "should France march out now, or should she not" it would be quite beyond his power to say that she should. But it was asked, how long was France to remain in the possession of Spain?—was she to hold the country until Ferdinand 7th. gave free institutions to his subjects? In one sense he should say "would to God that she were;" and in another sense, that he hoped to God that she was not. Would to God that she were, because she would, as institutions stood, prevent much ill. Heaven forbid she should, because he feared she would have to remain for ever. One thing, however, he would say—and it was only candid towards France to avow it—he did believe, that, whatever absence there was of every horror and excess in Spain, was owing to French interference, and to the presence of the French army. He desired not to be misunderstood. He by no means intended to say—and Heaven forbid that he should say—that this fact redeemed France from the original sin of the invasion. That question, however, was past: it stood, in some sort, with the transactions of former years. He did not defend the act. He did not palliate it. He was against it upon every principle; and would resist it if it were to do again, at any hazard short of going to war. But, events must be judged of in some measure as they went on; and thus much he was bound to admit as an honest man—he did not believe that, in the annals of history, there was any case of an invading army—not a case even of a friendly force in a foreign country, except it were a force belonging to Great Britain—no other instance upon record, in which either invaders, or allies, had themselves done so little mischief in a foreign state, and had prevented the doing of so much. The termination intended by France to her military occupation of Spain, had all along been earlier than he could have hoped for; and she still intended, if possible, to keep her day.

With respect to the mode of the occupancy, and even the seeming intent of it, he thought that considerable misapprehension in some quarters existed. An hon. member (sir R. Wilson) had adverted to the occupation of Cadiz; and had stated that Cadiz, to be useful as a military post, must be occupied by at least 25,000 men. Now, as it certainly was not occupied by one half that number, it would follow that it could not be retained with a military view. And, in truth, the political events connected with it—its having been a sort of rival capital, and the point at which the constitution was generated—would sufficiently explain its being occupied under the present system. In the same way with respect to Badajos—there was a necessity which explained the retention of that place. The most consummate general of the age had declared, that he should not consider himself safe at Cadiz, unless he could hold Badajos at the same time. But, what was it that the French were doing in their occupation? In what way were they employing their influence? Were they urging on the cruelties to which the party now having the ascendancy in Spain were but too much inclined? Were they fostering the gloomy vindictive prejudices of the monks, or exciting the blind fury of the populace? On the contrary, they were protecting the very people whom they had entered the country to subdue. By a strange course of events their whole situation and business in Spain had become changed. They had gone into the country to defend the fanatical party against the constitutionalists; and now they were actually interfering for the constitutional party with the fanatics. How long this system was to last he did not know. Only a fortnight back, he had hoped for its early termination; but every successive post had lessened that expectation. Of this, however, he entertained the most decided conviction, namely, that, whenever the time came that Spain might be left to herself with safety, France would be as much pleased in the prospect of withdrawing her troops as England could possibly be at seeing her evacuate the country.

He should now come to the objection which had been taken to the mode in which the neutrality of this country had been conducted. Neutrality, he trusted, had strictly been preserved; but, the preservation of it had not been altogether so easy a task as might be supposed; and it was worth while to observe, that some difficulties had been thrown in its way by those who were among the most ardent sticklers for its maintenance. To put a case. If two heads of families agreed with each other upon any course, and any of the members of either of those families chose to take measures in opposition to the agreement decided on, would not the leading party, whose friends had thought it right to do this, be compelled to go a little further, perhaps, than he would have otherwise done, in order to acquit himself of possible suspicion? He could assure the House, that amongst the various and conflicting interests which were involved in the late disturbances in Spain, the difficulties which the British government has had to contend with have been most imperfectly estimated. No man in that House could have heard with more respect and sympathy than himself, the speech of the hon.—he would call him his hon. and gallant friend; for although the forms of discussion might exclude its exercise, he could have no wish to disavow the sentiments of kindness and regard which he had always entertained for him. But, without meaning to cast the slightest reflection upon my hon. and gallant friend, I must assure him, that amongst the many difficulties which the government had had to encounter, he individually had been one of the greatest impediments to the observance of a strict neutrality. His hon. and gallant friend formed in himself no small breach of neutrality; but he could assure the House that the noble lord opposite (lord Nugent) was a most enormous breach of neutrality [a laugh]. He well knew how dull a thing it might appear in these times of liberal opinions to direct the attention of the House to authorities which may be considered obsolete: but he would read to the House an extract from the work of an eminent writer on the law of nations; and, in limine, he wished to apprise the House that it is not a Bynkershoek. It might here be necessary that he should explain what he meant by a Bynkershoek. He remembered that some few years back a very important discussion took place in that House; upon which occasion his hon. and learned friend opposite (sir J. Mackintosh) quoted in support of the opinions he was advocating, the authority of a name (a more modern authority than that of Vattel, which I mean to cite), and he recollected he was very anxious to discover whether the favourite author of his learned friend was stating the practice of the States of Holland, to which he was secretary, or was delivering his own abstract opinions. However, in some short time after, he laid his hands upon the work, and to his astonishment he found, that they were merely the opinions of the writer, and that the practice of the States, to which he was secretary, was quite the other way. So that henceforward, whenever he found a man who lectured upon the policy of a state, and put forward his own individual opinions instead of the laws of the country which he professed to expound, his invariable custom was to call it "a Bynkershoek" [a laugh].—Now, let the House hear the opinion of that eminent jurist Vattel, to whom he had already alluded:

"As nature", he says, "has given to men the right of using force, only when it becomes necessary for their defence, and the preservation of their rights, the inference is manifest, that since the establishment of political societies, a right so dangerous in its exercise no longer remains with private persons, except in those kind of rencontres where society cannot protect or defend them. In the bosom of society, public authority decides all the differences of the citizens, represses violence, and checks the insult of revenge. If a private person intends to prosecute his right against the subject of a foreign power, he may apply to the sovereign of his adversary, or to the magistrates invested with public authority; and if he is denied justice by them, he is to have recourse to his proper sovereign, who is obliged to protect him. It would be too dangerous to give every citizen the liberty of doing himself justice against foreigners, as every individual of a nation might involve it in a war. And how could peace be preserved between nations, if it was in the power of every man to disturb it? A right of so great moment, the right of judging whether a nation has a real cause of complaint; whether its case allows of using force, and having recourse to arms; whether prudence admits, and whether the welfare of the state demands it: this right, I say, can only belong to the body of the nation, or to the sovereign, its representative."

Now, in other times, he should not have felt it necessary to support this opinion by reference to authority; but it was satisfactory to be able to produce authority when the principle was disputed. Here we have the sovereign on the one hand, and the body of the people on the other, pledged by parliament to the observance of a rigorous neutrality. He did not wish to introduce into the discussion any technical niceties of law, but he would just suppose ourselves placed in the situation of a foreign power which had received assurances of strict neutrality; and let us then consider what we should have felt under similar circumstances. There was France with an armed force in the Spanish territories; a distinguished individual arrives upon the Spanish shores, from a nation whose king had pledged himself to strict neutrality between the belligerent powers, which pledge was sanctioned by parliament. This individual arrives with sentiments of avowed hostility, and announces that he shortly expected to be joined by an army of 10,000 men. It would be answered, that the men never did arrive. Why, he knew that: but it was not quite so certain that the French government would be aware of it. Indeed, the effect of the statement had been to draw the war to that part of the country in which it had been put forth. As a blister put upon the foot drew the humours to that point from other parts of the body, so the landing of the gallant individual in question had drawn the contest to the quarter in which he appeared. He gave full credit to the gallant gentleman in question for his spirited exposure of both fortune and person; for the determination with which he acted upon his opinions and principles, and the prodigal expenditure which he was always ready to make of his personal security. But, it was the duty of government to look at matters with other eyes than the eyes of an individual. He (Mr. Canning) felt, as regarded the pledge of England, what it was that the gallant member was doing; and, if France did not remonstrate, there was only the more need for this country to disavow. Then, every word of disavowal so uttered, let it be recollected, was, pro tanto a humiliation. It was saying at least that we had something to apologize for. And hon. gentlemen complained, that government had not maintained a sufficiently high tone. But, it was not very easy to bluster in one breath, while we had to extenuate in another. Under the circumstances, he had felt necessary to write to sir Charles Stuart, stating that he could not disavow in terms too strong, both for the government and personally for every member of it, all connexion with, or approval of the enterprise of the honorable and gallant gentleman. He had been compelled particularly to make this abjuration with respect to the individuals connected with the government, because the hon. gentleman had happened to send out his first despatches to Corunna under his (Mr. Canning's) cover. That measure had, of course, secured their safe arrival at the place of their destination. But he had felt the delicate situation in which it placed him. He had felt it incumbent upon him most distinctly to disavow what the gallant gentleman was doing; and he had done so. [Here the hon. gentleman read an extract from a letter to sir Charles Stuart, in which he had desired the disavowal in point to be made]. At the same time, he had stated that the service of volunteers was not unauthorized by the law of nations, and that it did not expose the individuals rendering it to any penalty. The hon. gentleman would see, therefore, that although he had been compelled to disclaim his measures, he had not been inattentive to his personal security. The right hon. gentleman read to the end of the paper; which imported the readiness of his majesty's government to offer this disclaimer, though it was with them not the least part of the evil, that they were subjected to the humiliation of having to excuse themselves with the French government. That was the condition in which the hon. gentleman had placed his majesty's government, with their liberty of acting almost taken away —their arms fettered—restrained in their conduct—lowered and humbled to the degradation of making apologies to the government of France. The hon. gentleman, however, was not the only person who had helped to place the government in this predicament, though other persons who had deported themselves in a similar manner had not reduced his majesty's ministers to the necessity of making excuses: for, at the time that he, with that generous prodigality of his services which he had lavished upon a cause not quite deserving of it, was paying the penalty of his gallantry and courage in one quarter, there arose in another quarter of that country another luminary, who, though he might not have addressed himself to the state of the country with as much military effect as the hon. gentleman had done, certainly did not fall behind the hon. gentleman in military intention. He did not wish to pry further into matters than was necessary; and by some it might be thought, that in what he was about to say he was going too far: but, in cases of this nature, it was the duty of government to know what was going on; else, by giving way to too much secrecy in respect to the conduct of individuals, they might, before they could be sufficiently aware of it, become involved in hostilities by the warlike conduct of their own subjects [a laugh]. Then Sir (continued Mr. Canning) about the middle of the month of last July, the heavy Falmouth coach [roars of laughter]—yes, Sir, the heavy Falmouth coach, in the month of last July, was observed to proceed to its destination with more than its wonted celerity. The coach contained two passengers; the one a fair lady of considerable dimensions; the other a gentleman, who was about to carry the succour of his person to the struggling patriots in Spain. I am further informed—and this interesting fact, Sir, can also be authenticated—that the heavy Falmouth van, which gentlemen, doubtless, are aware is constructed for the conveyance of more cumbrous articles, was laden, upon the same memorable occasion, with a box of most portentous magnitude. Now, Sir, whether this box, like the flying chest of the conjuror, possessed any supernatural properties of loco-motion, is a point which I confess I am quite unable to determine; but of this I am most credibly informed—and I should hesitate long before I stated it to the House, if the statement did not rest upon the most unquestionable authority—that this extraordinary box contained a full uniform of a Spanish general of cavalry, together with a helmet of the most curious workmanship; a helmet, allow me to add, scarcely inferior in size to the celebrated helmet in the castle of Otranto [loud laughter]. The idea of going to the relief of a fortress blockaded by sea and besieged by land, in a full suit of light horseman's equipments, was, perhaps, not strictly consonant to modern military operations. However, almost at this time the arrival of the promised force of 10,000 men—which never existed except on paper—was hourly expected, and would have been most acceptable; and when the gentleman and his box had made their appearance, the Cortes no doubt, were overwhelmed with joy, and rubbed their hands with delight at the approach of the long-promised aid. That aid did come: but it came in the sense and in no other, which was described by the witty duke of Buckingham, whom the noble lord opposite reckoned among his lineal ancestors. In the play of "The Rehearsal," there is a scene occupied with the designs of the two kings of Brentford, to whom one of their party entering says,

> "The army's at the door, but in disguise
> Entreats a word of both your majesties."

How the noble lord was received, or what effects he operated on the councils and affairs of the Cortes by his arrival, he (Mr. Canning) did not know. Things were at that juncture moving rapidly to their final issue. How far the noble lord conduced to the termination by throwing his weight into the sinking scale of the Cortes, was too nice a question for him just now to settle. But it must be evident, that by circumstances like those to which he had alluded, the government, if it wished to exercise common and necessary caution, was called upon, without any appeal from the French government, for disavowal. It was not for him to condemn the principles and motives which led the hon. gentleman to make that generous sacrifice of himself to the cause of Spain; but what he urged was, that if they would have neutrality on the part of the government, they must be content to be bound by the feelings, expressions, and determinations of government; nor ought they to expect to be allowed individually to carry on war against a government with which their own was in amity; and, in doing so, compelled their own government to go further than they otherwise need to go from the strict line of neutrality, and to say more than they would otherwise have occasion to say, in order to set the balance once disturbed again even.

There was another part of the question upon which he differed from the noble lord whose motion they were now discussing. The noble lord insisted, that if while Spain was in the occupation of France, any Spanish force should be raised to send to South America, that ought to be considered in all respects as a French force, and be treated as such by Great Britain. Now, so far he would concede to the noble lord—

that this would be a question of degree. He could imagine such an occupation of Spain by France, as would lead him to conjecture, that it was for other purposes than those professed by France; and he could imagine, that if, under such an occupation, any very considerable levies of Spanish troops were raised to be sent against South America, it would be a strong indication of that disposition on the part of France. But, they were to look at things as they now stood: and he saw nothing in the condition of the French forces—nothing in their distribution—nothing in the quality of their occupation—nothing in the mode and conduct hitherto employed as to them—nothing in the councils or the practice of the French government—nothing in the declarations of the Spanish government—to lead to any inference that the French government had that intention. He could not argue upon any case which stood in direct contradiction to the views and policy of the French government. His answer would be—look at the papers on the table, and it would there be seen, that the French government closely approximated to the views of the English, with respect to the Spanish American colonies. With those who would say, "I can't trust the French—I dont believe a word of their assurances," there could be no argument of any kind: no assurances of any sort could prevail with them. He was sure that the French government looked at the question not precisely in that point of view in which it was considered by the English government, because the relative interests were different; but they viewed it more nearly in the same light, than any of the other powers of Europe. As to the other apprehension entertained by the noble lord, it was useless to discuss it. That any other member of the European confederacy could be put in danger by the present occupation of Spain, was a vain dread. It was not possible, from their situation or circumstances, that they could by that circumstance be placed in greater danger from the power of France:—

> "Stabant orantes primi transmittere cursum,
> Tendebantque manus ripæ ulterioris amore."

If the noble lord's motion were carried, he would find, from the papers produced, the accuracy of every thing which he (Mr. C.) had now advanced. Nor could there be any immediate objection to it, as far as the negative assurances of the French government were in question. The real obstacle with the noble lord was, that he had not laid any parliamentary grounds for his motion. His hon. friend near him, who had moved the amendment, had pursued a course, in opposing the motion, which was perfectly just towards the government. Whenever a question of suspicion was mooted unjustly, in proportion to the injustice done to the motives of government, so much the stronger ought to be the declaration of confidence by the House. If the reasons of that confidence did not warrant so strong an expression of it, that was a subject which would soon be brought to a clearer understanding: if the conduct of the government did justify the confidence, it was only fair and honourable, under those circumstances, to bring it to the proof, and make it known by a direct declaration of that confidence. If the fears of the noble lord were groundless—if there was no probability that the French government intended to push the military occupation of Spain into political possession—if the British government had left no steps untried to assure themselves of the intentions of the French, and found no ground whatever for apprehension—and if the House found all this upon the papers already before them, they were bound to vote against the noble lord; and further, if they found, that being assailed by suspicion, they were entirely without blame upon the matter in question, he hoped they would do the government the justice to say openly to the country, that as they had nothing to allege against their past conduct, so they still held undiminished confidence in them as to the future.

Sir *R. Wilson* said, in explanation, that he had sent his papers unsealed through the office of the right hon. secretary, because, as he was communicating with one who was then a minister of the Spanish court, he thought it not only proper, but highly necessary, that the officers of the British government should be acquainted with the transaction.

Mr. *Canning* said, that his remark as to the inviolable secrecy observed by his office in transmitting the papers of the hon. gentleman, referred chiefly to letters to private individuals, which were also forwarded by the hon. gentleman.

Sir *James Mackintosh* began by remarking upon the constitutional functions of parliament, the duties due from the members of the state, as advisers in the great council of the nation, and the proper exercise of them in respect to the present question. He said, he would not have risen, but for an observation or two which the right hon. gentleman had done him the honour to address to him upon the subject of the law of nations. And first, he must observe upon the astonishing inaccuracy, and want of information as to the writings of the jurists, under which the right hon. gentleman seemed to labour. For he had actually quoted Vattel in answer to what he termed the more modern authority of Bynkershoek, when, in fact, Vattel's book did not appear until nearly 15 years after the death of Bynkershoek. As to the defect of Bynkershoek's authority, the judgment which he had read from his work was no light and inconsiderate opinion; but solemnly written down in a letter sent in answer to the letter of a minister of state of one of the chief courts of Europe, demanding information upon the question submitted. But Vattel had nothing to do with the question before the House. The quotation made by the right hon. gentleman was wholly impertinent to his despatches. Vattel, in the passage which had been read, declared against any persons going to war in the character of officers, soldiers, or subjects of the state; but it did not forbid volunteers from entering into a war professedly and avowedly disowned and deprecated by their own government. So that, as the right hon. gentleman proposed to style every blunder of his "a Bynkershoek," he should be justified in calling every blunder of the right hon. gentleman's "a Vattel," and thus he believed that he had furnished the right hon. gentleman with a Rowland for his Oliver. He congratulated the right hon. gentleman on the variance between his doctrines and the really excellent practice of the government in this case; and he congratulated his hon. and gallant friend near him on the justice which had been done, in the eloquent speeches of the right hon. gentleman, and of the hon. member for Stafford, to his generous, brave, and noble sentiments in the cause of Spain, and on the sympathy which had been displayed by the House towards him on account of those sentiments. The right hon. gentleman had dwelt upon the conduct of his noble friend (lord Nugent) near him, in a manner not quite so fair. He had drawn a description of some part of his noble friend's conduct facetiously, because it was capable of being so treated; but he had passed over other parts which were of a more serious kind, and which redounded to his honour, evincing as they did those generous feelings which characterized every part of his noble friend's conduct, and every sentiment of his heart. The right hon. gentleman would not pronounce, that the presence of his noble friend in Spain had been either unseemly or unimportant, much less inglorious if he considered that during his short residence in Cadiz, his noble friend had been instrumental in saving brave and unfortunate men, whose only crime was the love of their country, from the dungeons and scaffolds of an inexorable tyrant. Surely, he who had contributed to the rescue of those estimable men, might claim a little indulgence from the House, even though he might have violated some of the texts of Vattel, or have broken through some of the precepts of his more learned friend Bynkershoek. This, at least, might be boldly averred, that his noble friend had not done any thing which would disgrace the English character which could sully the high character of the illustrious family to which he belonged, or the equally high individual character which the noble lord himself maintained—but to return to the question, his right hon. friend had talked a great deal of having the confidence of the House of Commons. He could assure his right hon. friend, that an eloquence much less fascinating and irresistible, than that which he possessed in so eminent a degree, would be sufficient to secure the plaudits of the majority of the House of Commons. What, in fact, was he doing, but asking them to confirm their own declaration? what but appealing to the jury who acquitted him, to applaud their own verdict? or, in more measured phrase, asking the tribunal before whom he had gone, to praise the judgment which they had given? It required but a very moderate share of oratorical power to prevail upon the Athenians to bestow the palm of eloquence on the man who pronounced a panegyric on Athens. But all this was not sufficient for the right hon. gentleman. He thought however, that it was, to say the least of it, precipitate in the right hon. gentleman, to call for praises upon a subject, the merits of which had yet to undergo solemn deliberation. As to the boasts of the right hon. gentleman, they were victories obtained, if obtained at all, in imaginary hostilities. He had talked about the boasts which were made last session, on that side of the House, and the anticipations which were felt of success. But he could assure the right hon. gentleman, that he and his friends knew too well of what stuff the majorities of that House were composed, to entertain any such expectations. He would state the reason why they had not divided the House on the occasion alluded to; it was, because the amendment proposed by the hon. member for Yorkshire (Mr. S. Wortley) differed so little from the proposition which had been submitted from his side of the House, that it would have been inadviseable to have gone to a division, lest an impression might be created abroad unfavourable to Spain. They had the cause of Spanish independence, which was then just dawning, too dearly at heart, to run the risk of injuring it even in the slightest degree. They considered that sacred cause superior to any contention about parties at home. They might have divided as usual, there was nothing to prevent them. They had lost none of their old friends.—Their numbers were undiminished. It had been asked triumphantly by the right hon. gentleman, why nobody had risen on the present occasion on the Opposition side of the House? The reason was this—that no answer had been given to the speech of his noble friend, and the right hon. gentleman seemed anxious to court hostility, as if he were not satisfied with the celebration of his three imaginary victories; and, failing in his purpose, he ascribed hostility to those who altogether disclaimed it. His right hon. friend told the House that France was solicitous to evacuate Spain. Now, would his right hon. friend be able to persuade the House that such was the fact? Certainly, his right hon. friend might do so; for his eloquence was great—his authority was great—his influence was great. But, if his right hon. friend succeeded in persuading the House that France was anxious to surrender the ascendancy she had obtained in Spain, that she was anxious to make Spain, at present dependent on her, independent, he would perform a miracle of conviction greater, perhaps, than any political minister had hitherto achieved. The right hon. gentleman, though he denied that there was any case, could not but admit that there was one portion of a case; which was that of sending Spanish troops against the South American colonies, while the French were in occupation of Spain. What, if Spain were enabled to send the troops merely because France was in occupation. What, if, at the very same juncture of time that Spain was overrun by French troops, the Spanish government should be found issuing proclamations, on which the claim of sovereignty was again set up with threats of its exercise against those found in rebellion. Must it not then be concluded, that the presence of the French Army alone enabled Spain to send out forces against South America? Must they not consider that as the same thing with sending out French troops to South America? Was not this a case really existing? And was not the object of his noble friend, in wishing to know what steps had been taken by the government to avert that danger, a proper one? It was said, that this was showing too much jealousy of France. He would not say that this was the condition naturally of the two powers; but certainly jealousy became them as antagonist powers in the system of Europe. Then it was asked why call for the papers, if you distrust the assurances of France? But, how could the House know that the papers might not contain direct refusals of any assurance—that they might certify an intention to continue the occupation of Spain; or at least furnish strong evidence of such a disposition? These were good grounds for the motion, without any reference to the conduct of government; to which no part of the speech of his noble friend referred. If every motion for papers was to be construed into a design of throwing suspicion on the government, then, to be sure, with the assistance of a well-disciplined majority, there would be a short answer ready for every question in which the conduct of government could be involved. That was not the way in which he had read the constitution. Asking for information used not to imply censure, the suspicion of which could be set up as a sufficient ground of refusal. In the better sense, parliament, as a branch of the great national council, among its other duties had to inform itself of what was doing in regard to our foreign relations, to offer its advice if it thought proper, to be adopted or not as the government might think proper, without implying of necessity censure or suspicion as to the conduct of the officers of his majesty's government.

Lord *John Russell* made a short reply.

He reprobated the practice of, day after day, converting such motions as that which he had done himself the honour to submit to the House, into regular panegyrics on his majesty's government, and thereby pledging the House to the support of every act of that government. With respect to the course which the right hon. secretary for foreign affairs had thought proper to adopt on this occasion, he must say, that the right hon. gentleman, by the tone and manner which he had assumed, had sought a species of applause which was wholly unworthy of him. The right hon. gentleman had much better have employed himself in endeavouring to shew why the ancient jealousy of this country, with respect to the influence of France on the continent, and more especially in Spain, was no longer to exist.—The amendment was of very little consequence, and he was not so curious about the numbers, as to press his motion to a division. He could not but remark, however, that there was, according to the old views of English policy, something very dangerous in the eulogium of an English minister upon the government and army of France, engaged in an act of unquestionable aggression, when they ought rather to have expressed a wish that the French army would go home; which would certainly have been the course pursued in better times.

The original motion was negatived; after which, the amendment was agreed to, without a division.

PRISONS—SELECT COMMITTEE ON THE LAWS RELATING TO.] Mr. Secretary *Peel* said, he would not preface his motion with any observations, as he was satisfied, that the subject might be discussed more advantageously in a select committee of the House than in the House itself. The principal object of that Committee would be, to consider the best mode of facilitating the union of prisons of local jurisdictions with the county gaols. He would at once move, "that a Select Committee be appointed to consider the Laws relating to Prisons, and to report their observations thereupon to the House."—The motion was agreed to, and a Committee appointed.

PUBLIC BUILDINGS IN WESTMINSTER.] Mr. *Bankes*, after a few prefatory remarks on the necessity of parliamentary interference on this subject, moved, "that the account of the expense incurred, and an estimate of the expense remaining to be incurred, in the building of the Courts of Justice in St. Margaret's Street and Palace Yard accompanied with a plan thereof, be referred to a Select Committee to examine the same and report their observations thereupon to the House."

The *Chancellor of the Exchequer* said, he was not aware that it was the intention of his hon. friend to move for the appointment of a committee on the subject. He was not at present prepared to say whether there appeared to be ground for the appointment of such a Committee; and he wished, therefore, that his hon. friend would have the kindness to withdraw his motion until he had informed himself better respecting it.

Mr. *Bankes* said, he had not the slightest objection to comply with his hon. friend's wishes; but the fact was, that in the erection of the buildings in question, they were at that moment hastening the completion of those very parts which were the most contrary to every principle of sound and legitimate taste. If he consented to withdraw his motion, measures ought to be adopted to prevent that part of the works from proceeding. He had lost no time in bringing the matter under the consideration of the House. When the estimates were originally moved, he had freely spoken his mind upon them. He had then moved for the papers which were necessary to throw a light on the subject. Those papers had been presented only yesterday, and he had immediately given notice of the motion which he had just made.

The *Chancellor of the Exchequer* said, he was far from imputing any blame to his hon. friend. He could assure his hon. friend, that no particular instructions had been given to accelerate the completion of the parts of the building to which his hon. friend had adverted. The fact was, that the want of these courts occasioned a very grave inconvenience to all persons, whether administering or desiring justice, interested in them. There had therefore been, in the first instance, a general order to expedite them as much as possible; but there had been no recent order to accelerate their completion. If his hon. friend would postpone his motion, he would give directions that the proceeding with the building should be suspended for two or three days. If his hon. friend pressed his motion at present, he must vote against it; because, whatever objections he might have to the building, he was not aware that there were grounds for the appointment of a Committee, by which it might be recommended to pull it down.

Mr. *Bankes* coincided in the proposition of his right hon. friend. The part to which he objected consisted of two Venetian windows; the one small, and the other put on a cut-off corner, like the table of the House. As to expedition, he would engage to find a place on the other side, where, with the workmen which London was competent to furnish, he would build a Court of King's Bench as speedily as the one now building could be completed.

The motion was withdrawn.

HOUSE OF COMMONS.

Friday, March 19.

Silk Trade.] Mr. *Haldimand* rose to present a petition from some of the most respectable, and he might add most intelligent, silk manufacturers in England. It related to the arrangements which it was understood were to be made for carrying into effect the propositions of the chancellor of the Exchequer in respect of this trade; and it prayed that no alteration might be made in those arrangements. The petitioners especially prayed that there might be no delay in their execution; and they added, that if this question of delay had not been agitated afresh, the whole of their hands would have been by this time in active employment. They also expressed their perfect satisfaction with the intention which had been avowed, of allowing them a drawback upon manufactured articles. With regard to the suggestion as to spreading the operation of the new arrangements over a certain number of years, he really thought it could have no other effect but to paralyze the trade, and repress the energy, which, if the right hon. gentleman's propositions were at once adopted, it would undoubtedly manifest. He had seen that morning some silk merchants, as well as the manufacturers, and had expected to be intrusted with a petition from them. He was, however, enabled to say, that the silk merchants were favourable to the new arrangements.

Mr. *Baring* said, that from the speech of his hon. friend, the House might be induced to suppose, that he was holding it up as the petition of a certain number of persons, in favour of the measures proposed by the chancellor of the Exchequer. No such thing. His hon. friend having favoured him with a sight of this petition, he was enabled to state, that there was in it no recommendation of the measure. What he meant by "the measure" was, the free trade of silk manufactured goods, of the goods of France coming into competition with the goods of this country. Now, in support of this proposition, the petition contained not a single word. The fact, he believed was, that there were some gentlemen in the trade who had large stocks on hand, and who were therefore very willing to put their hands deep into the public purse. But he would repeat, that neither had this, nor any other petition, yet presented, proceeded from any body of persons concerned in the silk trade, who approved of the general principles upon which the House was in this case legislating.

Mr. *Hume* thought the House would know how to estimate the argument of his hon. friend who spoke last, when it remembered the petition, signed by twelve persons, which his hon. friend had presented on the preceding night. Twelve persons, he believed, were all that could be found in the city of London to subscribe it. Those individuals (at the head of whom he observed the respectable name of Hale), wished to keep up the Spitalfields monopoly. Now, the petition which had just been presented was signed by thirty-three of the principal persons of the trade in London, in the short space of two hours and a half; and so far from their not being favourable to the principles upon which the chancellor of the Exchequer was proceeding in this business, they earnestly prayed that the measures proposed by the right hon. gentleman might be acted on with as little delay as possible. He had received a letter from one of the very first houses in London, that of Messrs. Wilson, Moore, and Robinson, in which they expressly said, that, with the time which was now allowed for the arrangements, the silk trade in London had nothing to fear from a competition with the manufactures of Franee.

Mr. *Philips* said, that any person who had read the evidence taken before a committee of the Lords—evidence not taken with a view to the plans of the chancellor of the Exchequer, but not the less applicable to his views—must feel convinced, that the English manufacturer had nothing whatever to fear from a competition with France. The very man who now petitioned against the arrangements of the chancellor of the Exchequer, had stated before that committee, that in no one article of manufacture had the French any superiority over us. The hon. gentleman next adverted to the East India monopoly, which he considered deserving of immediate attention. Such was the jealousy entertained with respect to the trade in the East Indies, that no clerk or manager, however high in the confidence of his employers in London, would be permitted to go out to India, to manage the concerns there. Much apprehension had been expressed as to the injury which the silk trade might sustain, if the chancellor of the Exchequer persevered in his plans. Now, he was clearly of opinion, that these fears were unfounded, and that before two years had expired, the trade would be found to have extended and improved.

Mr. *Ellice* said, he had received letters from various parts of the country, embracing the same opinions as those which the petitioners had expressed. The manufacturers of Coventry were anxious that the right hon. gentleman should not make any alteration in his measures. Indeed, those measures had proceeded so far, that it would be difficult, even if it were desirable, for the right hon. gentleman to go back. Having said so much, he felt himself bound to take notice of an assertion which he had heard that night. It was said, that the silk manufacturers of this country were able to compete with the manufacturers of France. This he must deny. The English manufacturer was not able to do so in the article of dyeing, nor had he machinery of equal excellence. A number of looms had been some time since imported from France, and Frenchmen had even been brought over to work at them.

Mr. *Baring* begged to remind the House, that with every disposition to obtain and get up petitions on this subject, not one had yet been laid upon the table approving of the whole of the project of the chancellor of the Exchequer. The hon. member for Aberdeen had indeed read a letter from one house in London, but that firm had been the advisers of the chancellor of the Exchequer, and were of course anxious that the scheme should be carried speedily into effect, as they had so conducted their speculations as to be largely benefited by the change.

Mr. *Haldimand* added, that the petition had been prepared and signed in an hour and an half that morning. The petitioners did not say, that they were satisfied with the measure itself, but with the arrangements to carry it into effect.

Sir *T. Lethbridge* expressed a wish, that the chancellor of the Exchequer should state to the House the exact sum which the country was likely to lose by the amount of the drawbacks. Some had fixed it at 100,000*l*., while others had stated that it would amount to 1,300,000*l.* He was anxious that the real sum to be lost by the country should be known. He had been applied to by the cloth manufacturers, who were anxious that the duty on their stock on hand should also be taken off. It would be unfair not to put both parties on a footing with respect to a remission of duties.

Mr. *Bright* feared, that although the chancellor of the Exchequer was disposed to be very liberal to the dealers in silk, the dealers in wool would suffer severely by the proposed changes in our system. Reports had gone abroad, that it was not intended by government to allow any drawback upon wool, and he had called the attention of the president of the Board of Trade to the point on a former day. The two trades were of equal importance to the welfare of the state, and ought to be treated with equal justice. The woollen manufacturers were in a state of the greatest alarm, in consequence of an apprehension that they were to be dealt with most unfairly by the chancellor of the Exchequer.

The *Chancellor of the Exchequer* said, that as the petition before the House related to silk and not to wool, a more convenient time might be found for discussing the claims of the manufacturers of the latter. That time was necessarily near at hand, when he should be quite ready to enter fully into the subject; and he undertook to demonstrate, even to the satisfaction of the hon. member for Bristol that the course he intended to pursue, was identically that which the woollen manufacturers themselves had proposed. As to the question which had been put to him by the hon. baronet, he must be aware of the extreme difficulty of arriving at any calculation, as to the cost of this measure, within a few thousand pounds. Thus much he would say, that of all the exaggerations that had ever entered into the mind of man, that which had been propagated so industriously on this subject was the grossest. It had been stated in some quarters, that the drawbacks would amount to not less than from a million to 1,500,000*l.*, but he would venture to assert that they would not even distantly approach any such sum. The calculation, if such it were, seemed founded upon a supposition, that there was a larger quantity of manufactured silk uncut on hand than was possible, in the way in which the trade was carried on; for the compulsion to attend to the fluctuations of fashion and other circumstances, rendered it impossible that there should at any time be a very large stock on hand. Besides, the bounty to be returned was only half the duty paid on the raw material; and, in the third place, that bounty, was only to apply to goods uncut. The expense, in the whole, might perhaps be 200,000*l.*, or even 250,000*l.* If this expenditure were attended with immediate and increased activity on the part of the manufactories it would soon be more than repaid, not only in the employment for the industry of the people, but in the money actually paid into the Exchequer. The more he had thought of it, the more he was convinced that the calculation was founded upon a gross exaggeration.

Mr. Alderman *Wood* said, that he was anxious that the drawback should be allowed on cut as well as uncut silk.

Mr. *Evans* stated, that his constituents were satisfied with the arrangement.

Mr. *Mundy* admitted, that the alarm formerly prevailing in Derbyshire had subsided. The silk manufacturers were now content with what had been conceded. He hoped the chancellor of the Exchequer would persevere.

Mr. *Baring* remarked, that the manufacturers of Derbyshire might very reasonably be contented, because the chancellor of the Exchequer had given them a special protection and exemption. They were silk-throwsters, and had an advantage over the rest of the trade, in opposition to all the fine principles of political economy.

Mr. Alderman *Thompson* presented a petition from the retail silk-mercers of London, praying that the drawback may extend to cut pieces of silk goods. They stated, that ninety-nine hundredths of their stock consisted of cut goods, and contended that they were entitled to compensation, as they should otherwise be losers to the extent of 800,000*l.*

Mr. *T. Wilson* supported the prayer of the petition, and contended that the retail dealers in silk were better entitled to compensation than the wholesale manufacturers, because they could least afford the loss they would sustain by this measure. He recommended their case to the serious consideration of the chancellor of the Exchequer.

Ordered to lie on the table.

Silk Trade Bill.] On the order of the day for going into a committee on this bill,

The *Chancellor of the Exchequer* said, that as he understood that the counsel who was to have been heard to-day was prevented from attending by indisposition, he proposed now to go into the committee, merely to fill up the blanks, that it might be put into an intelligible shape, and that on Monday, when the counsel hoped to be able to attend, they might go into the committee again.

Mr. *Hume* wished to represent to the chancellor of the Exchequer the serious hardship upon individuals in this trade who had large stocks of silk, which though not strictly uncut, were in pieces of 30 or 40 yards in length. These dealers would suffer great loss; because, if simply a pattern was cut off, the drawback could not be obtained on it. He had heard of an individual who had a stock of 50,000*l.*, of which 30,000*l.* consisted of cut pieces.

The House having resolved itself into the committee,

The *Chancellor of the Exchequer* moved to fill up the blanks, with the intention, on Monday, to hear counsel on the Bill, and afterwards to propose the amendments he had himself to offer, and to hear any that might be offered by other gentlemen. He suggested this as the preferable course, as it was quite unnecessary to have two discussions in committee.

Mr. *Ellice* said, he was perfectly ready to concur in the suggestion of the chancellor of the Exchequer; but he was anxious that the right hon. gentleman should give some explanation to prevent what he had now thrown out from being misunderstood. From the anxiety which prevailed on the subject, he hoped he would now state, that he did not intend to vary, in any material degree, the measure now before the House.

The *Chancellor of the Exchequer* said, he was quite ready to state again, that it would not be expedient to introduce into the bill any changes other than those which he had already mentioned to the House. The bill with the blanks filled up and those amendments introduced, would be in the state in which, according to his view, it ought to pass.

Mr. *Hume* wished to know whether the chancellor of the Exchequer intended to exclude the consideration of the question of cut goods? He hoped not. As the public would pay so much in the way of drawback he trusted that injustice would not be done to a few individuals, by a regulation which would prevent them from receiving the compensation on their stock which others received. He thought some rule should be adopted to give the drawback to all cut pieces of not less than a certain number of yards, say 30 or 40. The rule had, in fact, been already laid down in respect to ribbons; all pieces exceeding 18 yards receiving the drawback.

Mr. *W. Smith* thought it would be better that the chancellor of the Exchequer should go into the committee, unshackled by any such pledge as that which the hon. member for Coventry wished to exact from him. Let them go into a committee on Monday, and then do what seemed just.

Mr. *Ellice* explained, that it was by no means his intention to prevent the chancellor of the Exchequer from yielding in any particular point on which reasons should be offered. He merely wished it to be clearly understood, that the chancellor of the Exchequer did not intend to give up his measure in any material point.

Mr. *Baring* said, he perfectly understood the declaration of the chancellor of the Exchequer to go to that extent only. It would certainly be absurd to say to any petitioner "you shall not convince me;" though he was persuaded, in point of fact, that they would not persuade the chancellor of the Exchequer. As to the question of the cut goods, he knew that the allowing the drawback upon them would augment very considerably the sum to be paid by the public; but the more he looked at the question, the less he saw any reason to resist the claim of the holders of this species of goods. The small dealer who had a few hundred, or a thousand pounds worth of silk, consisting of cut pieces, was injured as much, in proportion to his means and fortune, as the great manufacturer, and was just as much entitled to compensation. The shopkeepers seldom had whole pieces of silk, because on fancy goods, large quantities of one kind would be inconvenient. To say that the drawback should not be allowed to them, therefore, was to say, that the large dealers should have compensation, and the small ones none at all. The shopkeeper, as the bill now stood, would have the cheap goods of the manufacturer, to whom the duty had been remitted, poured forth in competition with his goods, on which the duty had not been remitted. A question which he wished to put, as to the words of the resolution, was—as to the meaning of the term "new and uncut," which had puzzled some of the manufacturers. [Mr. Herries said across the table, "Uncut, merely"]. In that sense, all the old and unsaleable rubbish, lying in the corners of shops and warehouses, would be poured in to receive the drawback. As to the term uncut, too, there were some difficulty; for all pieces of silk were cut out of the loom.

Mr. *Herries* said, the term was understood by the dealers to mean silks made up in the original packages in which the wholesale dealers had supplied them, and not used. He had heard no complaint of the term, which was generally well enough understood.

Mr. *Ellice* said, there need be no apprehension of the old and unfashionable pieces of silk being sent in to receive the drawback, because, as soon as the fashion changed, they were usually exported.

Mr. *J. Smith* said, there seemed a great injustice in the treatment of the holders of uncut goods. The regulation was extremely hard upon many who held 20,000*l.* or 30,000*l.* worth of silk, of which great part were cut pieces, He wished to know whether their representations had been heard.

The *Chancellor of the Exchequer* said, that though he had not himself seen the individuals interested in the drawback on cut silk, their case had been fully stated to his right hon. friend (Mr. Huskisson) at the Board of Trade, and, without now going into the case, he would say, that they did not seem to him to have established their claim to have the drawback returned on all their remnants; for to that extent must their claim, if admitted, go. It was not consistent with the principle usually acted upon in the return of duties, nor was it morally possible for the government to receive all the remnants that might be sent in by the little shopkeepers in country towns.

Mr. *Littleton* thought it would be impracticable to allow the duties on the cut pieces. The holders of mixed goods would, however, be considerable sufferers by the change of duties. One of his constituents, for instance, was a large holder of silk twist; on which the duty was not returned, though twelve parts of thirteen of its composition was silk, the other thirteenth being mohair. If it was practicable, surely an allowance should be made to persons similarly circumstanced.

Mr. Alderman *Wood* called the attention of the committee to the case of those wholesale dealers in silk who sent travellers round the country, and who were in the habit of cutting off small pieces as patterns to shew the colour. Now, these persons, though they might not have sold a yard of their goods, could not get a return of the duty, because they were "cut." Many of his constituents were in this situation, and had from ten to 25,000*l.* of stock in this condition. As to the country shopkeepers, there need be no alarm on their account, as they were obliged to keep a stock in their shops, at this time of the year. Even if the return of duty were offered them, they could not send much of their goods to the warehouses.

The blanks were filled up, and the House resumed.

IRISH MISCELLANEOUS ESTIMATES.] The House having resolved itself into a committee of supply, Mr. Goulburn moved, "That 2000*l.* be granted to defray the expense of the Royal Cork Institution, for the year 1824."

Mr. *Hume* said, he would repeat the question he had put last year—why should a sum be voted to a scientific Institution at Cork more than at Liverpool, or any other city? Certainly some reason should be given why the government, after having set the Institution a-going, should not withdraw its aid, and leave it to be supported by the subscriptions of the inhabitants? Were there any funds from that source?

Mr. *Goulburn* said, there certainly were funds; but the reason why he proposed a vote for Cork, and should not do so for Liverpool, was, that there was a difference between a town abounding in capital, such as Liverpool, and a much less opulent one, such as Cork

Mr. *Spring Rice* said, it was proposed in 1806, when this vote was first made, that this should be a circulating grant; that was to say, that after having established the Institution at Cork, the grant should be transferred to some other city.

Mr. *Hutchinson* said, the grant had been a great boon to Cork and its neighbourhood: and he doubted, though the support from private subscriptions was considerable, whether the Institution could survive the cessation of the grant.

Mr. *Hume* said, that in Ireland, as well as in this country and every where else, the moment the government gave its funds, private subscriptions were withdrawn. The subscriptions when the grant was first made were now called considerable. They amounted to sixty pounds a year! This was not very creditable to the public spirit of the people of Cork and its neighbourhood. Were there lectures, and how many students attended them?

Mr. *Goulburn* said, he should be prepared from the advantages conferred by the Institution on Cork and its neighbourhood, to support the grant, even if the subscriptions were smaller. There were lectures and they were attended; though he could not say by what number of students. The object was, to diffuse information among the middle classes, and in that way the lectures could not fail to be useful.

Sir *J. Newport* said, that the original object of this Institution did not involve the establishment of a botanical garden. The grant ought not to be confined to Cork, but should be extended in succession, to other provincial towns. Belfast, for instance, would have good reason to complain, if Cork enjoyed this parliamentary bounty exclusively.

Mr. *W. Williams* doubted the policy of such votes as this. As long as parliament defrayed the expenses of such institutions, private munificence would not flow in its natural channel. The greatest benefit that could be conferred on Ireland would be, to diffuse education throughout that unhappy country; the greatest part of which was involved in the grossest bigotry and ignorance. The mass of the people of Ireland could derive no advantage from a botanical institution. If the sense of the House were taken, he should vote against the grant; not that he thought the Institution absolutely useless, but because he thought the money might be more usefully employed.

Mr. Secretary *Peel* agreed with the hon. member, that the principle of these parliamentary grants was objectionable, because they tended to discourage local exertion. He did not think it adviseable to withdraw the existing grant, but he certainly should object to any extension of it.

On the resolution, "That 7,000*l.* be granted to defray the expense of the Royal Dublin Society, for the year 1824,"

Mr. *Hume* said, he observed that the expense of this establishment considerably exceeded the sum which appeared in the estimates. He wished to know how this difference was made up.

Mr. *Goulburn* said, that the difference was made up by the members of the society, who contributed materially towards the support of the Institution: each member on his admission paying a sum of 50*l.*

Mr. *Hume* said, he doubted very much whether any benefit was derived from the Royal Society of Dublin. He believed the member for Limerick and some other hon. members had lately visited the Institution and had expressed their satisfaction at finding every thing nice and neat: but for his part, he really believed, the whole society was a *humbug.* There was a charge for a school of design. In what way the sums charged for that purpose were applied he knew not. There was also a charge for sending pupils to Rome. He had asked last year, whether any pupils had been sent to Rome, and had been told that there were; but he had reason to doubt the accuracy of this information. There were at present two pupils in London; but if any pupils had been sent to Rome, he should be glad to know their names, and when they were sent. It appeared that 300*l.* was distributed in premiums to such ladies and gentlemen of Ireland, as might make any scientific discoveries, or improvements in agriculture. The Society of Arts in this country gave medals and rewards, without calling upon the public to defray the charge. Why was not the Royal Society of Dublin put upon the same footing? The people of England were charged with the expenses of an Institution which was, in fact, nothing more than a place of amusement where the gentlemen read the newspapers, while the ladies promenaded on the lawn; which he understood was very pretty. A sum of 750*l.* was charged for opening collieries, and taking mineralogical surveys. This was surely an unnecessary expense. He trusted that some inquiry would be made without delay into the whole management and expenditure of this Institution.

Mr. *Spring Rice* said, the hon. member had been misinformed as to the object of his recent visit to the Royal Society of Dublin. His object in visiting the Institution was not one of mere curiosity; but as a plan was at that time on foot, among a number of gentlemen in Dublin, for embarking a considerable capital in opening mines, he had visited the Institution for the purpose of obtaining information with a view to that object. He had succeeded in obtaining some very valuable information, and the result had been the formation of a company, with a capital of half a million, for the purpose of carrying into effect some of the plans which had been suggested. The school for design, to which the hon. member had adverted, had been established with a view to the cultivation of the fine arts in Ireland; and that object had been prosecuted with a considerable prospect of success. He was happy to add, that a gentleman who had held an office in the Board of Works, Mr. Johnson, had munificently devoted from 10 to 12,000*l.* out of his private fortune, for the purpose of building a gallery, for the exhibition of the works of Irish artists.

Mr. *Goulburn* said, that the utility of the Institution consisted in the opportunity of access which it afforded to various materials, for those who were in the pursuit of the arts and sciences. The lectures delivered there had been productive of great advantage, and were well attended. He was satisfied that the society would be more justly appreciated if its objects were more fully understood.

Mr. *T. Ellis* said, he fully concurred with his right hon. friend as to the utility of the Institution.

Mr. *Hume* said, that all the good which he could discover had arisen from the society, was an improvement in carpentry. No doubt the cabinet-makers were greatly improved in their trade, in consequence of the lectures. But his real opinion was, that politics were more attended to there than matters of science. He should like to know how many mines had been opened, and what was done with the 7,000*l.* annually voted. There was more of the public money expended annually on the Dublin Society, than upon any literary institution in Europe. Bonaparte, in all his extravagance, never lavished money more wantonly. There never was an institution upon which so much had been expended and so little done. He should therefore be inclined to move a reduction from the vote of 3000*l.* Nothing could be more ridiculous than the practice of selling seeds in this society. Upon the part of the seedsmen of Dublin he protested against its continuance. It was contrary to the principles of free trade, that Timothy Wilson should be allowed to undersell the ordinary dealers.

Mr. Secretary *Peel* said, he thought that the hon. gentleman, instead of proposing the reduction of this vote, would do well to go over to Dublin and subscribe 50*l.* to the Dublin Society, and become a member of it. From the porters of the establishment, the hon. gentleman would no doubt collect some very valuable suggestions; wherewith he would be able to make out a most excellent new case, if he should be defeated in this.

Mr. *Hume* said, he would be most happy to attend to the suggestion of the right hon. secretary, if he would promise to allow him a committee on the spot.

Mr. Alderman *Wood* suggested to the right hon. secretary for Ireland, to propose the admission of his hon. friend as an honorary member, as soon as he returned to that country. His hon. friend was well acquainted with the details of the Institution, and with all its proceedings, and there was no doubt that whether admitted as an honorary member or as a pecuniary subscriber, his presence would be productive of great advantage.

Mr. Alderman *Thompson* thought that the right hon. secretary for Ireland should convince himself of the public utility of the vote, before he called for the vote of next year. The Horticultural Society was not supported by public subscription; and he saw no reason why the Dublin Society, as well as all others, should not be supported by individual contributions.

Mr. *Monck* said, he looked upon this Institution as a national museum. It was the fashion now-a-days to have museums. Paris had her museum, London had hers, and he could see no reason why Dublin should be without one.

Sir *J. Newport* said, that by the measure of the Union, England had withdrawn from Ireland her wealth and capital; and it should not be forgotten, that many of the institutions in this country, which boasted of their ability to exist without a public grant, received large donations from Irish noblemen and gentlemen resident here. At the time of the Union, a promise was specifically held out, that these grants, instead of being diminished, should be augmented, according as the exigencies of the country required them. He referred gentlemen to the committee which sat in 1815, on the expenditure of the united kingdom. They would find that the exertions in Ireland to raise those contributions had been far greater, in proportion, than in this part of the empire. It was unwise to press upon a country for more contributions than they were able to pay; they were then driven to subscribe, not from income but principal. His only objection to these grants was, that they were not all united in one common fund, instead of being divided as at present. The funds voted by parliament might then be distributed in the manner most conducive to the interests of the country.

Mr. *W. Williams* said, he was more and more confirmed in his opinion by the speech of the right hon. baronet as to the impolicy of supporting these institutions by the public money. That Irishmen contributed largely to the institutions in this country, it would ill-become him to deny. That assertion was well founded; and upon that alone he would found his opinion, that parliament should not interfere. That the Irish gentry should be so insensible to national pride and national honour, as to neglect the institutions of their own country whilst they supported those of another, was what he could never believe would be done without some good cause. The cause appeared to him to be this—that they thought their money would be better expended on institutions which were supported by individual contributors than on establishments which were sure to be lavishly supplied with money from parliament. He had the honour and happiness to be acquainted with many Irishmen; and he was persuaded, from their national feeling, that if this grant were withdrawn, they would at once come forward to support the institutions of their own country. Once give them this stimulus, and the institutions in Ireland would soon vie in splendor and vigour with the most favoured establishments of this country.

Mr. *Goulburn* said, he could not hear the people of Ireland accused of any indisposition to contribute to the support of the charitable or literary institutions of the country. There was not a disease to which the human frame was subject, for the remedy of which some establishment did not exist in Dublin. There was no city in the world in which there were more liberal contributions and, connected as he was officially with Ireland, he should be most inattentive to his duty, if he failed to repel such a charge; for, in the great cause of charity, Ireland, if not superior, was at least equal with England. His only object in rising was, to correct the impression which had been erroneously made. If, by the measure of the Union we had compelled a portion of the Irish gentry to reside in England, it was natural that they should contribute to the support of institutions from which they derived advantage.

Mr. *W. Williams* said, he must have been greatly misunderstood, if it was supposed that he meant to make the slightest charge either against any individuals connected with Ireland, or the body of the people at large. His object was, not censure, but praise. His great objection to the grant was founded upon the impolicy of supporting these institutions by the public money.

Mr. *Hume* said, that he also had not the slightest idea of casting any reflection on the Irish people. If he were asked, whether he would withdraw these grants, he should answer no; but his objection to them was, that he could not learn how the money was applied. Only once point out to him how the people of Ireland could really be benefited, and he would vote double or treble the sum proposed.

On the resolution "That 10,000*l.* be granted, to defray the expense of the Commissioners of Wide Streets in Dublin, for the year 1824,"

Mr. *Hume* said, he should like to know what they want with wide streets in Dublin. If the people of London widened their own streets, why should not the people of Dublin do the same? He saw here a sum of money to defray the interest of the funded debt. Now, he could not see why they should go beyond their means, or get in debt at all. This must have been done by the corporation [no, no, no, from Mr. Ellis and some others!]. Well, he thought the corporation were the only people who could have acted so foolishly. Really, to call upon the English people to pay for widening the streets of Dublin, exceeded any thing that ever came to his knowledge. Notwithstanding all that was said about the poverty of Dublin, he had been informed, that within a short period two companies had been established in that city with a capital of 2, or 300,000*l.* each. If the Irish metropolis required these improvements, let those who wanted them provide the means; but why should the people of Aberdeen, for instance, be taxed for this purpose.

Mr. *John Smith* said, his hon. friend ought to have known, that to much of the distress which had existed from time to time in Ireland, this country had been instrumental. His hon. friend was constantly objecting to the votes for Ireland, but we grant money for the purchase of pictures and works of art in this country, and why should not Ireland have the same advantages? As to the widening the streets of Dublin, he could not say, whether it was necessary or not; but he would tell his hon. friend, that the inhabitants of Dublin had as good a right to public money for this purpose as the people of Scotland had for the making of the Caledonian canal, or for the repairing of their roads. He regarded this subject in quite a different light; and the only objection he had to the present vote was, lest it might be converted into a job. He should be happy to see a much more liberal and extensive grant proposed. England owed a long debt of gratitude to Ireland, for much of her present splendor and prosperity had been derived from the humiliation of Ireland. Upon that subject he would not now enter; but as an Englishman, having no connexion or interest with Ireland further than the dictates of his own conscience, he would say, that if the grant were infinitely more liberal, it should have his cordial support.

Mr. Secretary *Peel* said, that in addition to the general principles, so strongly and laudably urged by the hon. gentleman who had just sat down, and who had taken so deep an interest in the welfare of Ireland, there were local reasons which made it necessary to extend the grant to Ireland. No part of the empire had suffered more than Dublin in consequence of the removal of the parliament. The Irish parliament had always been liberal in their grants for the improvement of Dublin, and it would ill become them to be niggardly. Let the hon. member for Aberdeen only look at the money voted for improving the avenues leading to that House; for the improvements in Westminster Abbey, and other places; and he would find that it was only justice to do the same for Dublin. All this money had been contributed by the people of Ireland, as well as of England; and if the Irish people were to pay for the local improvements of London, he could see no reason why the same sacrifice should not be made by the people of England for the improvement of Dublin.

Mr. *Hume* said, that the grants to which the right hon. gentleman had alluded, by no means justified the present grant. He considered the grant to Westminster Abbey to be very ill bestowed, especially as the public were now excluded from entering it, unless they paid a heavy fee to the Dean and Chapter. No grants had ever been made to the citizens of London for the improvement of their city.

A *Member.*—"London Bridge, to wit."

Mr. *Hume* allowed, that 150,000*l.* had been granted for the purpose; but contended that it made no difference to his argument, as he had been one of ten members who opposed it. Besides, it was only a payment to the city out of the funds which it had set aside in the reign of queen Anne for the building of new churches, and which for the last seventy years had been diverted into the public exchequer. The proposed grant, in his opinion, was perfectly unjustifiable.

Sir *John Newport* rose to suggest a mode of diminishing this grant. A funded debt had been created most improperly; and now, instead of paying interest at the rate of 6 per cent. they might raise an advantageous loan, by which means a considerable saving might be effected.

On the resolution, "That 16,000*l.* be granted, to defray the expense of printing, stationery, and other disbursements of the chief and under secretaries offices and departments, and other public offices in Dublin Castle, &c."

Mr. *Hume* rose to inquire, if the reform which had last year been promised as to the stationery department had been carried into effect?

Mr. *Goulburn* was not aware that any promise had been made to effect a reform, or that any reform was necessary. Formerly, there were complaints that the price of the stationery was too high, and an arrangement had in consequence been made with the person who held the patent for supplying the stationery, that he should supply it at the same rate as other persons would do. On his observing that condition, the paper was still supplied by him.

Mr. *Hume* said, it had been understood that the prices of stationery in Ireland were to be brought down to the level of those in England.

Mr. *Goulburn* replied, that the prices could not be brought down to that level, because the greater part of the paper consumed in Ireland was English paper. The course now taken was this—a list of prices was furnished every year from England, and upon those prices 10 per cent additional was allowed in Ireland to the patentee, besides 6½ per cent, in consideration of his supplying the stationery, retail, which saved the expense to government of a separate establishment.

Sir *J. Newport* thought it more than questionable whether the Crown had the power to grant patents for the supply of articles for the public service. The effect of this system, which was a remnant of the monopoly abuse of the reign of Elizabeth, was, that we were paying 16½ per cent for stationery in Ireland, more than we paid for it in England. What advantage it was to Ireland that the paper consumed there should come from England, he did not well understand. If the clerks in Ireland made shift to write upon Irish paper, it would, be to say the least of it, quite as well.

Mr. *Goulburn* said, the paper was furnished at the lowest rate at which the public could possibly be served. The right hon. baronet asked, why persons in the different offices could not write on Irish, instead of English paper. Now he believed the right hon. baronet himself, when he was in office never wrote on Irish paper. He was convinced, if the right hon. baronet had as many letters to write as fell to his (Mr. G.'s) lot, he would be anxious to use English paper, on account of its superior smoothness. He was sure the committee would agree with him, that it was true economy to procure a good article at an advanced price, rather than a bad one at a very low rate.

Mr. *Hume* said, that when he had last year proposed that the printing of certain public documents, should be executed in England, by which a saving of 2,500*l.* might have been effected, the right hon. secretary exclaimed "Oh! how can you think of injuring Ireland, by taking from her this branch of the public printing?" Now, he wished to learn, why the right hon. secretary did not adopt the same principle with respect to the purchase of paper? As to the inferiority of the paper, he would only say, that if they gave a fair price, they would procure as good an article in Ireland, as they could elsewhere. Much had been said of the right of an individual to supply the government offices of Ireland with paper; but, did not gentlemen recollect that sir Samuel Shepherd had given it as his opinion, that there was no patent? And why should they countenance this monopoly in the person of such a man as sir Bradley King? Could any man place his hand on his heart and say, that the transactions which had been brought before parliament, in which this sir Bradley King had taken a prominent part, were fair and just? Many an individual had been discharged from his situation, who had not done half so much as he had been proved to have done.

Mr. *Goulburn* said, that as to the inconsistency imputed to him, of having the printing done in Ireland and procuring the paper from England, the printing could be done, as well in Ireland as in England; but the paper could not be got so good in the former country as in the latter. If the patentee supplied the paper as cheap as it could be got elsewhere, there was economy in allowing him to continue it.

Mr. *Hume* said, it appeared, from papers which had been laid before parliament, that the public had been defrauded to a considerable extent, in the stationery department in Dublin. What was the excuse which was made on that occasion? Why, they were told, that though the money went into the pocket of the master it was totally without his knowledge that the fraud was committed by his servant. There ought in his opinion, to be 2,000*l.* struck from this vote, which was paid in the way of commission.

On the resolution, "That 6,500*l.* be granted to defray the expense of publishing Proclamations, and other matters of a public nature, in the Dublin Gazette, and other newspapers in Ireland, for the year 1824,

Mr. *Hume* opposed the grant. He could see no reason, why a mode of promulgating proclamations should be adopted in Ireland, different from that which was followed in this country. It had been over and over again stated, that the system pursued in Ireland, with respect to publishing proclamations, was adopted for the purpose of bribing a great part of the public press in that country. Those who were thus bought over were ready to argue that black was white, or white was black. It sometimes happened, when there was not one of those convenient instruments in a county in which an outrage—calling for a proclamation was committed, that that proclamation scarcely appeared on the scene of the disturbance, though it was profusely published every where else. Thus the charge to the public was increased, whilst the effect of the proclamation was in a great measure destroyed. He had before shown the absurdity, partiality, and injustice of this system. It was proper that it should be altered, and therefore he should move that the sum of 3,250*l.* be substituted for 6,500*l.*

Mr. *Hutchinson* could not conceive why the right hon. gentleman should call for precisely the same sum this year as he had done in the last. What reason had he to suppose that the proclamations would be equally numerous?

Mr. *Goulburn* defended the grant, the amount of which, he observed, was calculated with reference to the probable expenditure. Of course, if there were any surplus, it would be accounted for. He wished it to be understood, that the notices of commutation under the tithe bill, which, in consequence of a clause introduced into that bill at the suggestion of the hon. member for Limerick, must be inserted in the Gazette, had last year created an expense of 2,000*l.*; so that, taking this into consideration, the grant was by no means a large one.

Mr. *S. Rice* thought, that this explanation of the right hon. gentleman only made the matter worse. For, if 6,000*l.* were enough notwithstanding this additional expense of 2,000*l.* which the right hon. gentleman said he had occasioned, how was it that he had required the same sum before that additional expense was incurred?

Sir *J. Newport* was also at a loss to know why, because this item of expenditure had amounted to a certain sum in the last year, it was to be estimated as amounting to exactly the same sum in the present.

Mr. *Goulburn* observed, that if there was any surplus remaining of the grant, it would be satisfactorily accounted for.

Mr. *Bennet* alluded to some abuses

that had been discovered on this subject a few years ago. It then appeared, that these proclamations were given to the Editors of certain country papers, for the purpose of bribing them to support the measures of Government; although their circulation was so small as not to render the insertion at all advantageous to the public. Why not confine the publication of the proclamations to the Gazette, as in this country.

Mr. *Dawson* said, that the proclamations in question were frequently inserted to fill up the country papers, without being paid for by government.

Mr. *Hume* said, that if the country papers did not want money for the insertion of the proclamations, why vote this grant?

The committee divided: for the Amendment 27. Against it, 51.

List of the Minority.

Althorp, visc.
Allen, J. H.
Bennet, hon. H. G.
Calcraft, J.
Calvert, C.
Duncannon, visc.
Evans, W.
Hamilton, lord A.
Hobhouse, J. C.
Hume, J.
Hutchinson, hon. C. H.
James, W.
Kennedy, T. F.
Leader, W,
Monck, J. B.
Newport, sir J.
Palmer C. F.
Parnell, sir H.
Robarts, G.
Rumbold, C.
Rice, S.
Rickford, W.
Robinson, sir G.
Smith, J.
Tierney, rt. hon. G.
Webb, Ed.
Wood, alderman.

TELLER.

Gordon, R.

On the resolution, "That 27,000*l.* be granted, to defray the expenses of the Police and Watch Establishments of Dublin, for the year 1824,"

Mr. *Spring Rice* observed, that the Dublin aldermen, who received salaries for attending at the Police offices as justices, did not devote their time to the duties of those offices, but carried on business in Dublin.

Mr. *T. Ellis* defended the aldermen. He said, that the barristers, who were also justices, gave as much of their time as was necessary, to the business of the police offices.

Mr. *Hume* said, he did not think that the member for Dublin was the best possible judge of the mode of discharging the duties of a public officer. That hon. member received an enormous salary, for acting as master in Chancery in Dublin—an office supposed to have responsible and arduous duties attached to it, until, to the surprise of every body, the hon. member had entered that House. He would wish to put a question to the hon. gentleman. Had he any duties to perform as master in Chancery? If he had not, how could he reconcile it to himself to take a large sum of the public money every year for doing nothing? If he had duties to perform in his office in Dublin, what brought him into that House? How could he with propriety remain during the session in London, when he ought to be attending to the business of his office in Dublin? With respect to the corporation of Dublin, and the aldermen of that body, it would be quite impossible that he or any other person on earth could feel any thing but profound respect for them; but, was it not somewhat disparaging to their dignity to see those worthy aldermen take pay for performing certain duties, whilst the aldermen of London discharged similar duties as zealously and actively, without ever thinking of fee or salary? Were the corporation of Dublin to be considered a beggarly set, meanly receiving money for doing certain acts, which the corporation of London did as efficiently without any charge to the public? God forbid! He hoped, therefore, that the right hon. gentleman would free the corporation of Dublin from this embarrassment, and do away with a pecuniary reward, which must be not less injurious to their dignity, than it must be unpleasant to the feelings of the body.

Mr. *Ellis* said, that the hon. gentleman seemed ignorant of the constitution of the corporation. There were but a few aldermen who received salaries as police magistrates. The great body of the aldermen did not receive salaries.

On the resolution, "That 19,938*l.* 9*s.* 2¾*d* be granted, to defray the expense of the linen board of Ireland, for the year 1824,"

Sir *H. Parnell* said, he was of opinion, that the numerous laws for regulating the linen trade of Ireland were no longer necessary. There were upwards of three hundred regulations for the managing of the making, packing, and selling of yarn and linen. Similar laws had existed in Scotland, but were repealed last year; and every one concerned in the Scotch manufacture, allowed that the repeal had been attended with advantage to the trade. These numerous laws were not only attended with vexation to the weavers and spinners, but were the source of frauds being practised by inspectors and seal-masters. They were the cause of the linen manufacture not being extended to the South of Ireland; for the numerous penalties deterred strangers from exposing themselves to their operation. Much more would be done towards establishing this trade in the south, by repealing all these laws, than by the continuance of the bounties.

Mr. *Spring Rice* was of opinion, that the cases of Ireland and Scotland were not analogous. He strongly urged the new modelling of the Linen Board.

Mr. *Hume* said, that the linen trade was carried on in Scotland exactly in the same way as in Ireland; that the weavers lived over the country; that the laws about seal-masters, inspectors, and making-up yarn and linen, had been exactly the same in Scotland as they are in Ireland; and that the greatest advantages had been derived from the repeal of those laws. There was no second opinion on the subject in Scotland.

Mr. *Dawson* contended, that the purchasers of linen in Ireland were perfectly satisfied with the laws; and that, as the weaving was carried on by poor people, there would be endless frauds, were it not for the inspection and measuring of the linen.

Sir *G. Hill* referred to the report of the select committee of 1822, which expressed an opinion in favour of the policy of these laws. He denied that the repeal of the bounties would injure the Irish trade.

Mr. *Vesey Fitzgerald* animadverted strongly upon the observations of the last speaker upon the bounties, and justified the laws as necessary to the protection of the trade. He, however, fully agreed as to the propriety of some alteration in the constitution of the Linen Board. He strongly objected to the opinions of the hon. baronet (sir H. Parnell) concerning the repeal of the bounties.

Sir *John Newport* urged the necessity of making the Linen Board a more efficient body.

Mr. *C. Grant* said, he was fully sensible of the many vexatious and useless regulations which fettered the linen trade of Ireland. He could not feel at all satisfied with the report of the select committee. He wondered how any trade could have prospered under these regulations. This code of laws which had been in existence for a century, had been varied almost every ten years, thus keeping the trade in a constant state of uncertainty. He believed that no regulation could exist without a corresponding injury and that every sound view of this important branch of industry called for the repeal of all the regulating laws. The case of Scotland was in every respect the same as the case of Ireland; and nothing could be more successful than the measure of last session, for repealing all the Scotch Linen laws had been. All parties agreed in this, both buyers and sellers; and if the same course were pursued in respect to the Irish laws, it would no doubt be attended with the same effect.

Sir *H. Parnell* begged to assure his right hon. friend (Mr. V. Fitzgerald), that he had not formed his opinions about the Linen bounties, merely upon theory. He believed that all the acknowledged general principles of trade could be sustained by reference to facts and experience. By such a reference he was ready to contend, that the bounties could not do what the advocates of them said they would do; namely, increase the employment of the people. The employment of the people could not be increased without an increase of capital. But how would the bounties increase capital? The fact was, that in proportion as the bounties brought capital into employment in the South of Ireland, to make linen, they would take it from some other occupation, and thus throw as many people out of employ in one way, as they gave employment to in another. The justification which had been set up for the linen laws by the member for Derry (Mr. Dawson), that they were necessary to prevent frauds, was the same that had been regularly advanced in support of the policy of all regulating laws. It was right to attend to the interests of the weavers as well as to those of the buyers; but he could not approve of so many penal regulations. This doctrine of protecting purchasers was founded on the mistaken views of the motives that influenced all men who depended upon their industry for their bread. The necessity of securing purchasers, was a certain inducement to fairness and honesty, and was quite a sufficient guarantee against all frauds. Purchasers had it always in their power to protect themselves against dishonesty; and no better course could be taken by the legislature than leaving every thing upon the wholesome saying of "caveat emptor."

The several resolutions were agreed to.

HOUSE OF COMMONS.

Monday, March 22.

Linen Bounties.] Mr. *Agar Ellis* presented a petition from Tipperary, against the proposed plan for taking away the Bounties upon Linen. Seeing the chancellor of the Exchequer in his place, he wished to ask him whether it was not possible to defer the measure in contemplation for ten years? Nobody was more in favour of a liberal system of trade than he was; but there was an obvious difference between the situation of England and Ireland, and in legislating for both countries that difference ought never to be lost sight of. There was little or no capital in Ireland; and the slightest check to the coarse linen trade would be fatal to it, in its present comparatively infant state.

The *Chancellor of the Exchequer* replied, that if he could persuade himself, that the course recommended would promote the real welfare of Ireland, he should be ready to sacrifice a rigid adherence to sound principles to the consideration of the peculiar circumstances of the case. He could not, however, bring himself to believe, that any abstinence on the part of government in dealing with these bounties would be productive of advantage to Ireland. The announcement of the intention of ministers in this respect might have produced some alarm and inconvenience; but he was satisfied that nothing was more likely ultimately to prejudice the extension of the linen trade of Ireland, than the continuance of the existing bounties. His proposition was, that they should be reduced gradually, at the rate of one fifth every year; thus accommodating his plan, in a degree, to the wishes of the petitioners. The reduction was to commence in January 1825.

Mr. *Agar Ellis* observed, that what was contemplated, was rather a hard measure upon the South of Ireland. In the north, the bounty had operated for thirty years, and had been most beneficial; and it was still required in the South, to encourage a growing manufacture.

Sir *John Newport* objected to any thing like a rapid reduction of the bounties. They ought to be preserved as long as possible.

Mr. *Hutchinson* called the attention of the chancellor of the Exchequer to the strong impression made by this measure in the neighbourhood of Cork. Those hitherto connected with government, and most anxious to support its measures, were alarmed at the proposition, and determined to resist it. The bounty had been extremely beneficial in fostering an infant manufacture; the partial success of which had spread comfort, though not prosperity, through a district, formerly the scene of much disturbance.

Sir *R. Fergusson* trusted, that the chancellor of the Exchequer would persevere in his intention with respect to the abolition of the bounties. The manufacturers of Scotland were persuaded that the linen trade could support itself without the bounties.

Mr. *Calcraft* said, that in Scotland the manufacturers had enjoyed the benefit of the bounty so long, that they were now out of danger; but the question was, had not the bounty contributed to the placing them in that state? How long had the manufacturers of Scotland been in such a state, that they could disregard the bounty? Bounties, no doubt, were bad in principle; but, when persons had been induced, under the faith of them, to invest their capital in an infant manufacture—when, by means of the manufacture so encouraged, districts had been preserved in tranquillity in the midst of disturbed counties, and when it was most important to the tranquillity of Ireland to provide, even at some expense, for the occupation of its large population, it was worthy of consideration, whether they should repeal them at the present moment.

Mr. *V. Fitzgerald* said, that the supporters of the bounty did not contend for its indefinite continuance, but for its continuance at the present time, on account of the infant state of the trade, and of the particular circumstances of the part of Ireland where it was fostered.

Ordered to be printed.

Wine Duties.] Mr. *T. Wilson* presented a petition from the importers and dealers, praying for the reduction of the Duties on Wine. In doing so, he wished to ask the chancellor of the Exchequer whether it was his intention to move at all in the question during the present session; because, from the uncertainty prevailing on the subject, no business at all was doing in this commodity?

Mr. *Warre* said, he did not ask the chancellor of the Exchequer to look at the subject with a view to any relief to the consumer, but he begged him to consider, whether, from a reduction of the rate of duty, he might not fairly expect, through an increased consumption, a benefit to the revenue? The increase of the rate of duty, it was well known, had actually lessened the revenue; as the produce of the tax was greater in 1801, with the lower, than it now was with the higher duty. He wished also to ask whether the right hon. the Master of the Mint was disposed to take up the subject in the committee on foreign trade?

The *Chancellor of the Exchequer* said, that by the discussion that had taken place on this subject, he was placed in the difficult situation of having his silence and his declarations alike misconstrued. If, however, there had been any inconvenience resulting to the trade from the expectations existing respecting the remission of the Wine duties, he could say that the gentlemen engaged in that trade had gratuitously and entirely brought the inconvenience on themselves. Nothing which he had said in that House, nor in his communication with those gentlemen, from whom he had derived most valuable information, could have justified an expectation that the matter was to be taken up by him, at least as a matter of course. He had, it was true, never disguised the opinion which he entertained, that the productiveness of the duties was not commensurate with the rate of them, and that therefore a primâ facie case was made out, why those duties should be reduced; but he had always persevered in reserving the expression of an opinion as to the fit time for altering them. It was to be recollected, that in touching these duties, they were affecting a very material branch of revenue; and though in time the increase of consumption might make up the loss to the revenue, there was no doubt, that, from the allowance that would be necessarily made on stock in hand, there would be, for the time, a considerable loss. At that moment, therefore, when they were dealing with other branches of the revenue, and making, in various ways, a considerable sacrifice, he considered himself justified in withholding any expression of his opinion on the subject. Government could not do every thing at once; and even if they could suffer the loss arising to the revenue, it would not be desirable, by so general a change, to throw all trade into confusion.

Mr. *Wallace* said, that if the subject were referred to the committee on foreign trade, it would, of course, occupy itself with the subject. But he begged to state, that there was no hope that it could do so in the present session; as the committee was engaged in the investigation of several points affecting general trade, which would fully occupy its attention.

Ordered to be printed.

SILK TRADE.] Mr. *Fowell Buxton* presented a petition from that part of the united kingdom, where there was the most condensed population employed in manufactures—the parish of Bethnal-green. That parish contained 50,000 people, dependent on the silk manufacture for support. The petition was signed by 7,000 persons all housekeepers, who stated that they apprehended their entire ruin from the abolition of the restrictions on the importation of Foreign silks. They expressed themselves in temperate language, thanked the House and the chancellor of the Exchequer for the postponement of the day of their destruction till 1826, and prayed that it might be further postponed till 1829.

Mr. *Calcraft* presented a petition from the retail silk dealers of Westminster, praying that their claims for compensation might be considered. These petitioners stood in a situation of peculiar hardship, and he trusted their claims would be taken into consideration by the right hon. gentleman opposite. Most of these retail dealers had large pieces of silk on hand, to the extent of 160, 170, or 180 yards, from which what was technically called the fag-end, consisting of a piece of two or three inches appended to a small portion of the silk, had been cut, as a pattern to show their customers. Now, whatever might be the dimensions or the value of a piece of silk, if a small portion at the fagg-end were cut off in this way, the whole was considered as a cut piece, and the holder was consequently precluded from availing himself of the drawback to which he was entitled for uncut pieces of silk. In many cases, retail traders would not, from this cause, receive one-fourth of the allowance to which they were equitably entitled. The only answer which had been urged against granting compensation to the petitioners was, that it was not usual to make allowances to retail dealers, but it should be recollected, that it was competent to these retail dealers to deliver their goods into the warehouse and to receive an allowance for that portion of silk which was uncut. The hon. member for Coventry had, with his accustomed zeal and attention to the interests of his constituents, obtained a compensation for the holders of such a piece of ribbon as he (Mr. C.) now held in his hand, consisting of 18 yards at 2*d.* a yard. Now, if the holders of a piece of ribbon of 18 yards, of the value of 3*s.* had been considered entitled to an allowance, surely the holders of pieces of silk of the value of 10*l.* or 15*l.* ought not to be precluded from compensation, merely because a small portion at the fag-end had been cut off by way of pattern.

The *Chancellor of the Exchequer* thought that, as the House was shortly going into the committee on the silk trade, it would be better to reserve the discussion of this subject for that committee.

Mr. *Hobhouse* said, he had been instructed by that part of his constituents interested in this measure, to support the prayer of the petition. He begged to observe that, up to Friday last, the petitioners were wholly unaware that the provisions of the act would have such an operation. They were anxious that the whole subject should be discussed, and he was quite sure, that when that discussion took place, the right hon. gentleman would see the fairness of their claims, and be ready to accede to them. As two classes of traders had received compensation, it would be extremely hard on these petitioners, if an allowance were not extended to them. He approved of the general principles of the proposed measure; at the same time he thought the claims of these petitioners justly entitled to the equitable consideration of the chancellor of the Exchequer.

Ordered to lie on the table.

The House then resolved itself into a committee upon the Silk-trade bill, and counsel were called in, and heard at the bar, in behalf of the petitioners against the bill.

Mr. *Harrison* opened their case. He recited the various acts of parliament by which the trade had, up to the present time, been regulated and maintained that the present was not a proper period for altering the laws by which the silk manufacture was protected, because the manufacturers in this country possessed none of the advantages which were essentially necessary to enable them to compete with the foreign manufacturer. In the first place, labour was not free from restriction in this country: the committee were aware, that the attempt which had been made last session to repeal the 13th Geo 3rd. c. 68, had not been successful, and that a considerable branch of the silk manufacture was consequently still confined to a particular district. This was not the case in France, for, in the year 1786, the regulations of a similar description at Lyons were repealed, and labour was now subject to no restrictions in that country. In this respect, therefore, the English manufacturer would be wholly unable to compete with the foreigner. He humbly submitted, on the part of his clients, that some protection was essentially necessary to the throwsters, that they might not be left at the mercy of foreign countries for the material which they required in their manufactures. It was generally admitted, that our mills were superior to those in Italy, and yet such was the difference of the price of labour between the two countries, that the article which it would cost eight shillings in the pound to produce in this country, the Italians could furnish for four. Now, France grew the article, and she could come into this country, purchase Bengal silk, carry it duty free to Italy, and change it into organzine, and actually place it in the loom four shillings in the pound cheaper than England. The question, then, to be considered was this—would the material be put in the hands of the manufacturer, under the new regulations, upon such terms as would enable him to meet the competition which would be opposed to him? He submitted that this would not be the case, and that the throwsters were entitled to some protection, until such time as the improvement in our manufactures would enable them to overcome the disadvantages arising from the low rate of labour in other countries. He would beg to direct the attention of the committee to the evidence of Mr. Hall, who was examined before the House of Lords. He stated, that he had been at Lyons, and had there seen a machine, which greatly facilitated the manufacture of the article, and on his return to this country it obtained the approbation of many persons in the trade, and shortly after he obtained a patent for the improvement. Considerable efforts were since made to increase the use of these machines, but, with all his exertions, only sixty of them had been introduced into operation. According to the evidence of Mr. Hall, this machine was of as much consequence to the silk trade, as the invention of sir R. Arkwright had been to the cotton trade. It must therefore be obvious, that it would be impossible to compete with the French market, whilst they possessed this valuable machine, and we were without it. Now this machine could not be carried into full effect by the time the bill before the House would come into operation. The manufacturer, therefore, would still require protection. What he had been instructed to submit to the House was, that, if the measure were carried into execution at the time specified, it would be productive of the most serious injury; and that further time should be granted, in order to enable them to meet the competition with which they would have to contend. In France, where silk was raised, no monopoly was given to the silk grower, and the manufacturers could purchase, in whatever country they got the commodity, on the most advantageous terms; and through the means of the machine to which he had adverted, and the comparatively low rate of wages, they could put the material into the loom at four shillings in the pound cheaper than England. If our machinery had undergone a considerable improvement, still the difference in the value of labour would give them a great advantage. What, then, must be the superiority whilst they were in possession of this machine, and we were without it? The inference which he wished to draw from these statements, and which must be obvious to the committee, was this, that some additional time was essentially necessary to enable the English manufacturer to compete with the foreign market. The English and the foreign manufacturers do not at present stand upon equal terms; and until that equality could, in some degree, be accomplished, so extensive an alteration should not be carried into execution. It might be said, " this evil is provided for, there is a protecting duty of thirty per cent." But the Committee would allow him to state, that, according to the evidence of Mr. Hall, there was very little difficulty in evading the payment of these duties. If the article were allowed to be introduced into this country, under any system of protecting duties, any quantity might be brought over, and under circumstances which would render it hopeless for the English manufacturer to attempt competition. Mr. Hall states, that when he was at Paris, an offer had been made to him to supply him with any quantity of manufactured silks he might choose to select, and to deliver them in any part of London, for an insurance of 10 per cent; so that, instead of being an advantage, the protecting duties operated as a boon to smugglers. Another great objection was this—it was well known, that the manufacturers of China could manufacture the article at one-half less than any country in the world, in consequence of which the Americans would naturally resort to that market. On behalf of his clients he submitted that some enlargement of the time should be granted; five years at least would be required, and perhaps even two years more would be necessary. The great manufacturing supply commenced at the close of the year, and continued till the following spring; so that in the present year, the operation of the measure could have little effect, as the season was far advanced. In the next year its effects would be more felt, but in the July of 1826, what manufacturer would embark his capital, with a certainty that in a short period a most formidable competition would be raised up against him, and when the competitors would commence under circumstances highly favourable to them? It would not be the mere chance introduction of the commodity in 1826 that would be to be apprehended; but a great quantity of the article would be previously prepared, and large supplies of silks would be kept in a state of readiness in warehouses, until the moment had arrived for their introduction. The capitalists, whose property was at present embarked, would receive the drawbacks now, and would have time to make arrangements for retiring before the measure should come into operation; but there would not be time for other capitalists to prepare for embarking their capitals. He was prepared to support the statements he had submitted to the Committee by the most incontrovertible evidence. He had anxiously endeavoured, by a close examination of all the details of the subject, to compress what he had to say into the smallest possible compass, in order to bring under the view of the Committee all the prominent points of the subject, that they might the more easily see the objects to which he had been instructed to solicit their serious attention.—The learned gentleman then withdrew from the bar.

The five first clauses of the silk-trade bill were then read and agreed to, without any amendments.

The *Chancellor of the Exchequer* then informed the committee, that the next clause was that to which the petition presented by the hon. member for Wareham particularly adverted. The clause was as follows:—"And be it further enacted, That it shall be lawful for any person to bring and deposit, on or before the said 25th day of March, 1824, in any warehouse to be approved of by the commissioners of Customs, any raw silk, or any thrown silk, on which the duties of Customs shall have been paid (not being less in quantity than three hundred pounds weight), there to be kept and received in such manner as the commissioners of Customs shall direct, until after the said twenty-fifth day of March, 1824." Such was the provision of the bill as it now stood. The committee therefore perceived, that there was no specific provision between cut and uncut goods, and that no quantity under 300*lbs.* weight would be received. He had already stated it to be his view of the question, that some distinct line should be drawn, and his original impression was, that the natural line should be, to confine the bounty or draw-back to uncut silk goods. He felt, however, that any such line of distinction would be accompanied with difficulties. Amongst these he admitted the case put by the hon. member for Wareham, namely, that pieces of silk large in quantity were cut, but merely cut for the exhibiting of patterns and not for sale. He had no objection to the introduction of words into the clause that he had read to meet that case; and in expressing his willingness to provide for that case, he trusted that the House and the parties interested would admit, that he had gone as far as reason and fairness claimed. If the draw-backs were to be granted on every piece of goods merely because it amounted to thirty yards, the committee must feel that the principle would go further. On pieces cut for sale, no matter what number of yards, it should be recollected that the dealer had already sold at a profit. In the impossibility of meeting every case, the reasonable course was, to adopt some definite principle. Acting upon that impression, he had no objection that after the words "three hundred pounds weight," in the clause recited, there should be introduced the words "and in entire pieces, or such as have been only cut for exhibiting patterns thereof."

Mr. *Calcraft* expressed his satisfaction at the very frank manner in which the chancellor of the Exchequer had met the objection to which he had alluded, when he presented the petition from the mercers of Westminster that evening. That attention and promptitude were in unison with the right hon. gentleman's general conduct whenever the interests of any part of the community were concerned, and reflected the greatest credit upon him. He, therefore, did not despair, that having gone so far to relieve the great body of the trade in question, the right hon. gentleman would proceed a step further. If he would grant the drawback to cut pieces of silk of thirty yards, he would afford great relief to the dealers, and by so doing put an end to every complaint.

Mr. *Wallace* apprehended, that if the committee once departed from the definite principle, as laid down in the suggestion of his right hon. friend, namely, to limit the drawback to pieces uncut, or such as were cut merely for the exhibiting of patterns, a very undue preference would be given to the dealer in London, and denied to the dealer in the country. With the latter description, the stock on hand consisted of cut pieces under thirty yards; and on what principle could relief, if afforded to the London mercer, be denied to them? The best principle was, to refuse the bounties altogether to pieces cut for the purposes of sale.

Mr. Alderman *Wood* hoped, that the relief would be general, and extend to the whole of the retail trade, whether in town or country. He suggested to the chancellor of the Exchequer, that it was the practice of the silk trade to get pieces cut from the loom, and that, as the provision now stood, the relief of drawbacks would not be applicable to such pieces.

Mr. Alderman *Thompson* adverted to the exaggerated impression that had been circulated abroad with respect to the amount of these drawbacks. It had been stated most erroneously at a million. He had been informed by a very eminent person in the silk line, on whose veracity he could repose the fullest confidence, that it would not exceed from 250,000*l.* to 260,000*l.* Indeed, he believed he might take upon himself to say, that if the allowance of drawbacks was extended to cut pieces of silk of thirty yards or under, the increased amount under that head would not exceed 25,000*l.* That amount, though little to parliament to grant, was, when thrown upon thirty or forty persons in trade to bear, a considerable pressure. He thought the House was bound in duty not to overlook the interests of the London retail dealers. He trusted the member for Wareham would move an amendment to allow the drawback to pieces of thirty yards.

Mr. *Birch* was of opinion, that the relief intended to be given by this clause would be useful only to the dealer, and not to the public.

Lord *A. Hamilton* observed, that the statement of the hon. member who had just sat down went to justify the chancellor of the Exchequer in removing all bounties whatsoever. He did not think the regulation now proposed was of such a nature as would effect the whole object which the right hon. gentleman intended. He ought to lay down some principle, some distinctive line, and to abide by it. He said he would admit cut articles to draw the bounty. Now, he asked whether there was any specific quantity up to which he would allow the bounty to be paid?

Mr. *W. Williams* said, that the hon. member for Nottingham was not at all inconsistent in the argument he had used. His assertion was, that the drawback would be of no service to the public, but would benefit the mercer, who would put the amount in his pocket. He was precisely of the same opinion. The mercer's profit was at present so considerable, that on large orders he could abate 3*d.* or 4*d.* per yard, and not sell at a loss; and by this provision they were about to increase his profit. He conceived the measure originally introduced was a wise one; and, fully impressed with that idea, the chancellor of the Exchequer should have his strenuous support. In his opinion that right hon. gentleman had been too anxious to meet the wishes of those who opposed this measure; and he thought it would have been much better if he had stood firmly on the proposition first made to that House. It would be wise to make no farther concessions, but to act up to that which seemed to be just towards all parties. The right hon. gentleman must know, that it was totally impossible to please every body. He ought to stand upon a great principle, and bid defiance to opposition. By looking only to the general advantage of his country, he would be certain to command the approbation and gratitude of all disinterested persons.

Mr. *Calcraft* said, that the argument of the hon. member went to an extraordinary length. According to him, the chancellor of the Exchequer ought to adhere to his first proposition, be it good or bad. The hon. member ought, however, to recollect, that the chancellor of the Exchequer had already altered his plan. The importation of foreign silk was to have commenced on the 5th of July, 1824; but the right hon. gentleman had reconsidered the matter; and, in conformity with representations which had been made to him on the subject, the importation of foreign silk was postponed till July 1826. Such evil counsel as had been given by the hon. member was sufficient to corrupt even a chancellor of the Exchequer. The hon. member said, that at present, the mercer could afford, on large orders, to give up 3*d.* or 4*d.* in the yard. What, then, would be the effect, if this drawback were allowed? Why, he would then be enabled to abate 7*d.* or 8*d.* per yard. He hoped the right hon. gentleman would carry his measure of relief a little further, and that it would be extended to remnants of silk, consisting of thirty or forty yards.

Mr. *W. Williams* said, he had never argued, that the chancellor of the Exchequer should persist in a measure when once brought in, whether it was right or wrong. He had stated, and he would again state, that the right hon. gentleman had anxiously attended to all parties. He had conceded more than enough; and the more he conceded, the more would be demanded. He should be ashamed of himself if he acted like some of those gentlemen who were continually goading ministers to adopt the principle of free and unfettered trade, but who, the moment an attempt was made to act upon that principle, immediately turned round and thwarted the experiment by every means in their power. He believed the measures proposed by ministers were calculated to serve the best interests of the country; and impressed with that feeling, he should be ashamed of himself if he did not give them his humble but strenuous support.

The amendment suggested by the chancellor of the Exchequer, extending the drawback to such pieces as had only been cut for exhibiting the patterns thereof, was agreed to.

Mr. *Hume* then moved to add the following words, "or to pieces, being cut, of not less than thirty yards in length.."

Mr. *Baring* professed himself at a loss to comprehend what the hon. member for Weymouth meant by advising the chancellor of the Exchequer to make a stand. The only object which any man could have in view on this subject was, to endeavour to do his duty to all parties concerned. With respect to cut pieces, it ought to be recollected, that a great portion of the stock of the country dealer consisted of cut pieces. And where would be the greater difficulty of making a return of the duty on cut pieces of thirty yards in length, when sent to the warehouses, than on whole pieces? To limit the measure to cut pieces of that length would exclude all scraps, remnants, &c. He hoped the right hon. gentleman would not adhere so rigidly to his principles as to deny this concession. He strongly recommended also, that the valuation of the duty to be allowed as drawback might take place in the shops of the dealers in silk. The country dealers declared that nothing could be more easy than for the excise officers in the different towns to take the stock of the dealers in silk at their respective shops. Such a proceeding would save much of the trouble and inconvenience that must result from sending the goods to the warehouses.

The *Chancellor of the Exchequer* said, that the paramount difficulty in this case had been, to carry the principle into effect with as little inconvenience as possible to the dealers. If the suggestion of the hon. gentleman were adopted, government would be obliged to send Custom-house officers to every town in the kingdom, and heaven knew where they were to find them? Officers had been sent to Nottingham, because the silk-manufacture was carried on there, and they had also been stationed at all the sea-ports. Persons, therefore, who were included in his amendment, would naturally find their way to the officers at the nearest station. With regard to the amendment, it was quite clear that the further the principle of remitting duty was pushed, the more would the difficulties in carrying the measure into execution be multiplied. He therefore felt it his duty to oppose it.

Mr. *Philips* supported the amendment.

Mr. *R. Smith* expressed his doubts, how far it would be practicable to ascertain that pieces professing to be cut merely for exhibiting patterns, had not been cut for sale.

Mr. *Herries* observed, that in the first place there was the declaration of the dealer; from which, if doubted, there would be an appeal to the officer. But the fact was, that the general length of the pieces was well known. If the amendment were adopted, every piece must be measured, which would be productive of the greatest trouble and inconvenience.

Mr. *Calcraft* remarked, that the trouble and inconvenience would be on the part of the owner of the goods. If he thought they would not be compensated by the allowance, he would not undergo them.

The Committee divided, for the Amendment 30; Against it 76: Majority 46.

On the clause being read which fixed the 5th July, 1826, as the period at which the prohibition on the importation of foreign silks was to cease,

Mr. *Baring* begged to be allowed to say a few parting words. The committee had heard, in a speech from counsel, which to him seemed to be most satisfactory and impressive, although he was sorry to observe that it did not appear to have produced much effect on the committee, that the manufacturers were decidedly of opinion, that the period at which the competition of foreign manufacturers was to be admitted was much too early. With a view of recording his opinion, rather than with any hope of inducing the committee to adopt his proposition, he should move as an amendment, to substitute "the fifth of July 1829," for the words, "the fifth of July 1826;" thereby complying with the wish expressed to that House by a number of petitioners on the subject. Even supposing the measure a right one, those who were deeply interested in it conceived that five years were indispensable to enable them to meet (if meet they could) the competition with which they were threatened. With regard to the policy of choosing the silk trade as that on which this first experiment of liberal commercial policy was to be tried, he could not help remarking, that it seemed somewhat extraordinary, while the linen and woollen and other trades were allowed to remain untouched, that his majesty's government should select, for the purpose of making an experiment of the principles of free trade, an article of which it was well known that, in this country, it had always laboured under great disadvantages. For himself, he was persuaded that the experiment would be unsuccessful. The hon. gentleman then proceeded to read a letter addressed by the committee of the silk trade at Derby, to the committee of manufacturers in the metropolis, in which it was stated, that while they wished for compensation on the stock in hand, the trade in Derby was dissatisfied with the measure of the chancellor of the Exchequer. Of this he was quite certain, that the representations against it from all parts of the kingdom would, before long, become both numerous and serious. Many persons, it was true, would be willing to take the bounty now, though perfectly conscious of their inability to maintain a competition with France; and it was not unreasonable to suppose, that these persons would afterwards turn round upon the measure, when they had secured the temporary advantage which they had in view. The right hon. gentleman had taunted him with inconsistency; but he was not aware that he had so committed himself. His opinions had been always in favour of free trade, and they still remained so; but in carrying the principle into effect, he was anxious that they should proceed with caution. To select this trade, with all the advantage on the side of the French, for the purpose of trying the experiment of free trade, was little short of absolute folly. Besides, they had not the opinion of any body of men to induce them to believe, that the competition could be maintained against the French manufacturer. The limitation of time was another point to which he objected. It appeared to him, that the present limitation was the most inconvenient that could be assigned. He would rather that it should be taken earlier or more remote. As it was, the whole trade would be paralysed for two years; for those who thought they could not meet the competition would draw in; those who doubted would proceed with diffidence; and nobody would enter with spirit into the trade. If they were quite sure of the soundness of the principles upon which they were about to legislate, he would have them wait, until they could ascertain, from some satisfactory source, that our machinery was equal to the machinery of France. Then would be the time to challenge competition, and to throw the trade as open as the most liberal advocate for free trade could require. But, the fact was, they were proceeding without any information; and government had done the same. The right hon. gentleman and his coadjutors thought they had done enough when they talked of free trade and liberal principles; and one hon. gentleman, a true political economist, was so enthusiastic in his praise of the measure, as to say, that he liked it better because there was no reciprocity. If such was the hon. gentleman's opinion, he had no hesitation in saying, that he differed from him, in a case where there was so much to be hazarded. Though he was far from expecting, that any thing he could say would influence the opinion of the committee, he should feel it his duty to move an amendment, chiefly with a view to record his own opinion upon the subject. The hon. member accordingly, concluded with moving, that, for the 5th of July, 1826, should be substituted the 5th of July, 1829, as the period at which foreign silks should be allowed to be imported.

Mr. *R. Gordon* said, he could not help remarking that many of the advocates for free trade drew a very strange distinction. They were all friends, cordial friends, to the principle of free trade; but, the moment any particular measure was attempted, which affected their interests, or the interests of their constituents, the principle of free trade was opposed without any hesitation. He had often heard the hon. gentleman who spoke last, quote Adam Smith with applause, though he was now disposed to cavil with the political economists.

The *Chancellor of the Exchequer* said, he did not wish to prolong the discussion, but there were some observations in the speech of the hon. member for Taunton, to which he was desirous to offer some reply. The hon. gentleman wished the House to understand, that there was no acquiescence on the part of the trade to this measure, and had alluded to a letter from the manufacturers at Derby, to shew that their opinions were unfavourable to the experiment. With the permission of the House he also would read a letter which he had received from the trade established in Derby, in which they enclosed a copy of the letter quoted by the hon. gentleman and sent to the committee in London. In that letter it was stated, that though a few of the body in that place had doubts as to the possibility of maintaining a competition with the French, they were all ready and willing to make the trial at the time assigned by government, approving as they did of the principle upon which the measure was founded. He was also desirous to allude to the opinions expressed by the silk trade in Manchester, where there existed as sound a knowledge upon such subjects as in any part of the kingdom. It was stated by those persons in the most distinct manner, that they approved of the reduction of the duties alluded to, but felt a lively alarm at the opposition which the measure might encounter in parliament. They moreover impressed upon government the importance of persevering in it, as a measure fraught with the most decided advantages to the silk trade of this country. These facts, he submitted, were a sufficient proof, that the objections among the trade were not so general as the hon. gentleman would seem to insinuate. As to the duty on organzine, he would allow that it was higher than was consistent with the principle applied to the duty on raw silk; but, whatever alarm might be felt in this country, he understood that the manufacturers in France were still more alarmed, when they considered the advantage which the adoption of this free principle was likely to afford the British manufacturer in the foreign markets. He did not mean to say, that the alarm was well founded on the part of France: it might or it might not, but the existence of it was a proof of the different opinions entertained on the subject at least.

Mr. *Baring* repeated, that those who consented to the measure were misled by a desire for the present bounties.

Mr. *Fowell Buxton* said, he was ready to take his share of the obloquy which might attach to those who opposed the present measure. In the reply of the right hon. the chancellor of the Exchequer, he had not heard one word as to the essential point, whether the period was to be postponed from the year 1826 to the year 1829 or not. He looked at this question principally with a view to the interests of the labouring classes, who were the people most concerned. This experiment of a free trade had been already tried. In 1761 the prohibitions had been repealed for five years; but, at the end of that time, such a quantity of misery had resulted therefrom, that they were again imposed, and were afterwards continued from five years to six years, until the year 1780, when they were imposed for a period of fourteen years, and then they were found so advantageous that they were made perpetual. He wished that the persons engaged in the silk trade should at least have a period of five years allowed them to make preparations. If they were not entitled to this as a matter of right, they were as a matter of indulgence. He highly respected the motives of the chancellor of the Exchequer, and had no doubt he proposed the present measure with the best intentions for the public service; but it was a most unpopular measure, and would lead to a revolution in a trade which now gave employment to many thousand people. He thought more time should be granted, that prejudices might be removed if the opposition was founded in error, and an opportunity afforded of detecting the fallacy of the measure before it led to ruin, if it should turn out to be founded on false principles. He was not a convert to those principles of political economy which were at present prevalent; but one thing was quite clear, that if the House were now so enlightened, our ancestors must have been most profoundly ignorant [hear, hear! from Mr. Hume]. The hon. member called "hear!" but under this ignorance the country had not gone to ruin; on the contrary, the principles which were now sought to be set aside had conducted the country to a pitch of commercial greatness which no other nation had ever attained. The manufacturers he understood, had proposed to the chancellor of the Exchequer, if he would extend the period to five years, they would resign the drawback, which would probably amount to 500,000*l.* By extending the period too, the country would gain 750,000*l.* of revenue, making a total of 1,250,000*l.* which the country would save by granting the prayer of the manufacturers. This was an argument which he thought should have some weight with the hon. member for Aberdeen. The measure would also give satisfaction to all classes; and therefore he thought it worthy the attention of the chancellor of the Exchequer.

Mr. *Philips* said, that the silk trade had not been improved, in point of machinery like other trades, because it had wanted the stimulus of competition. He had observed, that up to a very late period, the towns in Cheshire and Staffordshire, where this manufactory was established, had not increased. Now, however, they were increasing, and he had no doubt that if the restrictions were removed, the trade in a short time would make a still greater progress. One difficulty in the way of the manufacturers was the Spitalfields acts; and he hoped the chancellor of the Exchequer would not allow what passed last year to prevent him from again bringing forward a measure to repeal those acts. In consequence of them, an article which was made at Manchester for 6*d.* per yard, could not be made in London under 14*d.* Another difficulty arose from the manner in which the East India Company administered the government of India. At present, it was not possible to send out a confidential clerk to India, and in consequence, the silk trade with that country could not be conducted with advantage. At present, he knew that in Lancashire there was a greater demand for machinery than could be supplied. Taking these difficulties into consideration, and thinking, as he did, that it would enable us better to meet them, he hoped the chancellor of the Exchequer would extend the time for one year.

Mr. *Wynn* explained the conduct of the Board of Control in having refused the application of a young gentleman, spoken to on a previous evening, to be allowed to go out to the East Indies to trade in silks. He knew positively that no such application had ever been made. An application had indeed been made to permit a clerk to go to the house of Palmer and company, which was refused; but no application whatever had been made to allow a clerk to go out for the special purpose of promoting the silk trade.

Mr. *Haldimand* explained, that it was not expedient to send out a clerk for this special purpose, as it added much to the expense. He thought our advantages were greater than those possessed by France. The silk of Italy might be brought from that country at an expense which was very trifling compared to its value. We derived great advantages from our trade with India; and he had no doubt that, in a few years, we should export India silk both to France and Italy. He was convinced, that the stimulus now to be given to the silk trade would, in a short time, make our machinery superior to that of France. The silk merchants, who trade on commission, did not wish for an extension of time. He had received a letter from some of them, begging him to state in his place that they did not concur in the prayer of the petition presented a few days ago, and thought that any further extension of time would only be an injury. The greatest injury which the trade could suffer would be from vacillation on the part of the chancellor of the Exchequer.

Mr. *Littleton*, on behalf of the silk trade of Staffordshire, disowned any participation in the compromise offered by the hon. member for Taunton; not that the manufacturers would object to the extension of time, if given to them, but they would not give up the remission of duties promised them to obtain it.

Mr. *Ellice* asked the chancellor of the Exchequer, if it would not be possible to extend the period from July to October, 1826, as that would give the trade the benefit of a whole year? Like the hon. member for Staffordshire, he was instructed not to consent to the compromise recommended by the hon. member for Taunton. It was his opinion, that we might, in a short time, successfully compete with France. In some branches we were certainly behind that country; but he had no doubt, if the principles of free trade were extended to the necessaries of life, that we should in a short time, be able to surpass her.

Mr. *Hume* assured the hon. member for Taunton, that his fears as to our being deficient in point of machinery were wholly groundless. He had lately seen evidence to prove that, in every branch except the silk trade, our machinery was decidedly superior to that of every nation in Europe: and he was quite convinced, that we were behind in this particular branch, only in consequence of the restraints and shackles which had been imposed on that trade. He trusted that the chancellor of the Exchequer would proceed steadily in his project.

Mr. Alderman *Thompson* was for postponing the operation of the measure till October, so as to secure the manufacturers and dealers in the transactions of the summer trade.

Mr. Alderman *Bridges* thought the letter read by the chancellor of the Exchequer of little consequence, as Manchester was not a large silk manufacturing place.

The amendment was negatived.

Mr. *Ellice* then rose to call the attention of the chancellor of the Exchequer to what he had before suggested, and to ask, if it would not be possible to postpone the time till October 1826.

The *Chancellor of the Exchequer* replied, that first of all he had intended that the 5th of January 1826, should be the period; but, on communicating with the trade, they had suggested the 5th of July, to which he had acceded, and they had expressed themselves satisfied. Now they asked for three months more; and he had no doubt, if that were granted, that they would then wish for another three months to get rid of their winter stock, as they now wanted to get rid of their summer stock. The hon. member had stated no sufficient reason why his request should be acceded to; and he therefore should adhere to the period now fixed.

HOUSE OF COMMONS.

Tuesday, March 23.

GAME LAWS AMENDMENT BILL.] Mr. *James* rose to present a petition from Mr. William Cobbett, against this bill. The hon. member observed, that this new Game bill made a species of property of a vast variety of wild fowl, which were never before considered to be property. The hon. member for Yorkshire seemed to have omitted scarcely a single bird except the wild goose; which it was to be presumed he had left out from reverence to the immortal Shakspeare, who had said, that "the wild goose soars aloft, unclaimed of any man." The petitioner prayed, not only that the pending bill might be repealed, but that the House might be radically reformed.

The petition was then read, setting forth, "That there is in the county of Sussex, a chain of land called forests, extending, with scarcely any interruption, from the neighbourhood of Rye, on the borders of Kent, to that of Petersfield in Hampshire; that these forests, which thus run the whole length of the county, are upon an average equal in width to a third part of the county; that the farms on the borders or in the interior parts of these forests, consist on an average of about one sixth part of arable and meadow land, two sixth parts of underwood, and three sixth parts of heath and scrubby coppice, generally called forest land; that these farms are in general rented by men of moderate pecuniary means, who mix with their farming, charcoal-making, hoop-making, and the like; that a large portion of the produce of these farms consists of rabbits, which abound exceedingly throughout the whole of these forests; that it is the practice of these farmers to have a number of rabbit traps constantly set on their farms; that the rabbits yield a considerable part, perhaps a full third, of all the meat expended in the farm-houses in that part of England; that, besides this the farmer looks to the rabbits which he sells to the higglers, who supply the London markets, for a part of the means of paying his rent, tythe, and taxes; that when a farm is taken in these parts the tenant counts much more upon rabbits than he does upon sheep, and that without full power to take, kill, and consume, or sell the rabbits, and to use nets and traps, in order to catch them, no man can pay either rent or rates upon one of these farms, and indeed cannot live upon it at all, seeing, that unless the rabbits be kept down, no corn or underwoods can be grown; that a bill now before the House will, if it become a law, totally ruin this whole body of farmers; that that bill purposes to violate all existing leases; that it proposes to take from these farmers, and to give to the landlord, the right to kill and use and sell the rabbits; that in cases when the ownership of the land is in the occupier, he must nevertheless be ruined unless he be a man of great estate, seeing that none can use nets or traps but a gamekeeper, seeing that none but men of great estate are to have power to appoint gamekeepers, and seeing that unless the farmer can freely use nets and traps to catch rabbits, his land in the parts above-mentioned must be overrun, and he can grow no corn, no underwood, and cannot turn the rabbits to account; that the petitioner's reluctance to take up any portion of the precious time of the House would naturally suggest to him, that it is impossible for such a bill to pass, but that experience has taught the humble petitioner to listen with great caution to such suggestions, and that, besides, he can see no reason to conclude that a bill, which has been not only received but read a second time by the House, may not also be passed by that same House; that the petitioner therefore prays, that the House will not pass the aforesaid bill, and that believing, as he sincerely does, that a bill so unjust and revolutionary never could have been presented to a reformed House of Commons, he most humbly prays, that the House may be speedily and radically reformed."

Mr. *Stuart Wortley* thought, from what had been stated about rabbits in the petition, that the petitioner could not have read the bill, seeing that it did not propose to make rabbits property.

Ordered to lie on the table.

NEWFOUNDLAND FISHERIES BILL.] Mr. *Wilmot Horton* rose to move for leave to bring in a bill to make provision for the better conduct of the Fisheries on the Banks of Newfoundland, and to consolidate into one act the statutes in force regarding them. The hon. member observed, that this was but a small part of the general bill which had, in the course of last session, been introduced with respect to that colony, and which had been printed for the information of members. That bill, which the House was aware had not been passed, was divided into five different heads. The first related to a revision of the courts of justice in the colony; the second had reference to questions of insolvency; the third contained clauses with respect to marriages; the fourth was for the internal regulation and management of the town of St. John's; and the last was for the consolidation of the several statutes on the subject of the fisheries. The last part was the only one to which the bill now proposed to be brought in would refer. The other parts would be formed into a separate bill, which would originate with the House of Lords. As the object of the bill was so limited, he did not think it necessary to take up further time on the subject, or to go into any details upon the other parts, which would come more properly when they were before the House.

After a few words from Mr. Bright, who expressed a hope, that any additions which had been made to this part of the measure since last year would be marked as such, leave was given to bring in the bill.

ABOLITION OF SLAVERY.] Mr. *Hume*, on presenting a petition from the minister, elders, deacons, and members of the Scots Church, in Well street, Mary-la-bonne, against the continuance of Slavery in the West Indies, observed, that he intended to take an opportunity, upon some open day, of submitting a motion to the House, the object of which would be, to pledge the House, if possible, not to proceed to any measures of emancipation of the negro slaves, infringing upon or endangering private property, without affording recompence or compensation to the holders. Vicious as the system of slavery was, and no man deplored it more than he did, still he was decidedly of opinion, that individuals unfortunately possessing property in the West Indies, were intitled to protection. He was satisfied that the House would not consent to any act of robbery and injustice, however anxious it might be to put an end to slavery. The property in slaves was unquestionably odious and abominable; but that property had been acquired under the sanction of the law, and the legislature of the country only was to blame. The slave proprietor had as much right to be protected in the enjoyment of his undoubted property as the fundholder or the land owner. He thought that he could show, that it was not difficult to keep faith with the West-India interest, and at the same time accomplish an object so desirable on the score of humanity.

Ordered to lie on the table.

ALIEN BILL.] Mr. Secretary *Peel* said, that he rose for the purpose of discharging a duty which he considered to be imposed upon him as a minister of the Crown. His object was, to request that parliament would continue to the executive government, the possession of those powers which they already enjoyed, with respect to Aliens arriving into and residing in this country. In doing this, he felt that he laboured under some embarrassment, the nature of which must suggest itself to every gentleman who heard him. Of late years, the subject had undergone repeated and detailed discussion, and it was probable that every argument in favour of and against the measure was familiar to the minds of the majority of the members present. He was, on the one hand, reluctant to weary the attention of the House by the repetition of arguments with which they were well acquainted; whilst, on the other hand, he was still more reluctant to have it supposed, that he passed over the question in silence, because he considered it a matter of indifference, and not deserving of particular notice. He would therefore prefer to subject himself to the embarrassment occasioned by pursuing the former course, and proceed, certainly as briefly as he could, to state the grounds upon which he proposed to continue the Alien Act, hoping that those gentlemen who considered that he was unnecessarily occupying their time, would excuse him, on account of the motives which induced him to do so.

He begged, in the first instance, to remind the House of the precise nature of the provisions of the Alien act, passed in 1816, which contained material modifications of the act which was in force during the war. The act of 1816, which it was proposed to continue, provided, that every alien should give, at the port where he disembarked, a description of his name and profession, and of the country from whence he came, to an officer appointed there to receive it; and a penalty was attached to a wilful disregard of that provision. With respect to that part of the measure, he apprehended there would be little difference of opinion. It could not be considered at all unreasonable that aliens, who owed no allegiance to the sovereign of this country, should be required to give such a description of themselves as was required by the act. The more material provisions of the act, however, were certainly of another description. They empowered the Crown, by proclamation or by order, to direct an alien to leave this country; and, in cases of non-compliance with such order, they authorized the infliction of penalties which he considered by no means exorbitant. For the first offence, the penalty was imprisonment, not exceeding one month. If the offence were repeated, the alien was subject to imprisonment for any period not exceeding twelve months. That was the maximum of punishment. In cases where the secretary of state had reason to suppose that an alien would not pay obedience to the proclamation of the Crown, he was empowered to give him in charge to a messenger, and send him out of the country. It was, however, provided, as a check upon this power, that if the alien should signify to the secretary of state, that he had reasons to assign why the proclamation of the Crown should not be obeyed, the secretary of state should be compelled to suspend the execution of his order, until the alien should state his case before the privy council, and that tribunal came to a decision with respect to it.

He believed he had given a tolerably correct, though a very summary, detail of the provisions of the act. He would now briefly advert to the objections which had, at former periods been urged against devolving such powers on the ministers of the Crown. He would not do this for the purpose of detracting from the just force of those objections, but only to consider what real weight they possessed. The first objection to the act, and that which had been put forward in the most prominent manner, was, that it was a complete departure from the ancient policy of the country with regard to aliens, which it was said had always afforded them a hospitable reception into this country, and liberal treatment whilst they remained in it. He did not wish to detract from the character which this country had justly obtained for the hospitable conduct which it had manifested towards strangers. No doubt it was a proud trait in the character of the country, that an alien, on arriving in it, had always found an asylum from persecution, and had been treated with every degree of kindness and liberality, consistent with the interests of the country itself: but he would say confidently, and he was prepared to prove, that there was nothing in the policy now pursued with regard to aliens, which would not bear comparison with the policy which had been pursued at any other period of our history; and that this country was as much entitled, at the present moment, to the noble praise of affording an asylum to the oppressed, and a refuge to those who were unable to find refuge any where else, as it was at any former time. It would be a great fallacy to contend, that at any former period it had been the policy of this country to admit aliens indiscriminately, and yet some argument very like this had been advanced in that House. From what had been said on former occasions, one would really be inclined to suppose, that the interest of aliens was the paramount object of the policy of this country. A reference to history, however, would prove, that a proposition of that nature could not be maintained for a moment. At no period of our history had there existed an indiscriminate admission of aliens. He would show, by a reference to historical documents, that there had always been restrictions imposed upon foreigners, as binding as those which existed at the present moment. On a former discussion the opponents of the Alien act had placed much reliance upon that enactment of Magna Charta, which provided, that aliens should not be excluded from the kingdom "nisi, publice prohibiti sint," which lord Coke had interpreted to mean, "unless prohibited by act of parliament." But that passage, he must think, applied to merchant-strangers exclusively, and not to aliens generally.

He would now direct the attention of the House to the situation in which aliens stood in this country, at the early part of the reign of Henry 4th, and he begged to observe, that he would only allude to those periods of our history, when this country was in a state of peace, because, if he referred to a period of war, he should be liable to the objection, that the policy of the government, with regard to aliens, was materially different in time of war, from what it was in time of peace. Henry 4th, then, not by an act of parliament, but by his own authority, issued an order to the keeper of the port of Dover, in which he recited the inconveniences which had resulted from the indiscriminate admission of aliens in England through that port—"Considerantes damna et incommoda quæ nobis et regno nostro, per subitos et crebros adventus alienigenarum, nobis inconsultis evenerunt et poterint evenire, vobis præcepimus." The order then went on to direct, that the keeper of the port of Dover should not allow the aliens who were there, to pass the limits of the town; but detain them there, until his majesty should know the reason of their coming, and signify his pleasure thereupon. At the same time king Henry sent another order to the keeper of the opposite port, Calais, directing him expressly, not to allow any foreigners to depart. The phrase employed in the order was certainly not very classical or Ciceronian, namely, "escapare" from that place to England. In the Calais order, however, an exception was made in favour of "mercatores," and this tended to support the opinion which he had ventured to state above. The reign of Elizabeth had always been referred to as the period of our history which contained the strongest proofs of the liberality which had uniformly been exercised towards aliens in this country. He should, however, be able to show, that even in that reign the liberal treatment of aliens had always been a consideration subordinate to the interests of the community. In her treatment of the Spanish exiles, Elizabeth was certainly liberal in the extreme; but she was far from extending the same degree of liberality to all foreigners indiscriminately. She had, however, motives for granting indulgence to Protestants; but she granted no such indulgence to the Roman Catholics; and in his opinion, she was very right. The first document to which he would refer in the reign of Elizabeth was a letter to the Lord Mayor of the city of London, and the officers of the liberties about it, from the Privy Council, dated the 27th of September, 1573, to the following effect: "And whereas their lordships were informed that moche infection grewe, by reason that many families of the said straungers dwelt pestred up in one place, that they shold cause such inmates to be seperate, and no more to remaine together then they shold see convenient to be suffred in the place of the abode; And further, where it was informed that divers straungers were there, that professing no religion nor frequenting any divine service used in this realme, her Majestie's pleasure was they shold be dispatched out of their jurisdictions by such a tyme as shold be by them prescribed." On the 21st of February, 1573, another letter was written from the Privy Council to the Lord Mayor of London, and others of her Majesty's officers within the liberties adjoining the city of London, which was as follows:—"That whereas upon a viewe of straungers remayninge thereabout, their lordships were informed, that there were 1,500, which being repaired under colour of religion, were of no church, nor registred in any boke. Her Majestie's pleasure is they shold be commaunded to departe the realme within a tyme to be by them prescribed: and in case any upon notice hereof wold not associate himself to any churche, for that it could not be thought but that this proceeded rather of collusion than otherwise, he shold not be admitted, but commaunded to departe; and for the execucion of the premysses they shold conferre togather, and with the Lord Bysshopp."

After having read those documents, he thought it would be impossible for any one to argue, that foreigners were never placed under restraints in England until the introduction of the Alien act. Here was proof, that in the reign of Elizabeth, the boasted period of liberality to strangers, aliens were subjected to restrictions much more grievous than any which they now endured; and it was necessary to remark, that even Elizabeth's favourite Flemish exiles were not exempted from those restrictions. Again, on the 20th of October, 1574, the Privy Council wrote to lord Cobham, who was then lord Warden of the Cinque Ports, stating that the council were given to understand that there was a far greater number of strangers in Sandwich than, by her majesty's grant, were allowed, and directing inquiry therein; and that if such were found to be the case, the overplus should be removed to other places more remote from the sea. On the 8th of November, 1574, the Privy Council sent an answer to a letter which had been received from Sir Christopher Heydon, the mayor of Lynn, stating that the foreigners in Norwich wished to depart and dwell in Lynn. In the answer it was declared that "the Queen will in no wise permit it; but if they will remain where they are, and conform themselves to order, the Queen is pleased to suffer them; if not, they may depart the realme, and have passports accordingly." A letter of a similar purport was at the same time written to the Mayor of Norwich.

In the reign of James 1st, precisely the same policy was pursued. Nay, at that period, aliens were not permitted to exercise any handicraft profession, or to sell by retail. It was unnecessary for him to state, how greatly improved the situation of foreigners was, in these respects, at the present day. In consequence of various applications which had been made to the Crown respecting the treatment of foreigners, James appointed a special commission to take the subject into consideration. The directions which the king gave to the commission were as follows:—"We therefore, entering into due and serious consideration hereof, being bound in our kingly office in the first place to be vigilant and careful of the welfare and prosperous estate of our own people, having been informed that strangers use much more liberty than is allowed unto them by the statute, especially in the using and exercising of handicraft and manual trades, and in selling by retail: Our purpose is, that the marchant of foreign nations resorting hither for trade of marchandise be freely entertained and used, and that the stranger who selleth by retail, or useth any handicraft or manual trade, be moderated as in your wisdom ye find to be most convenient. Ye shall once in every year cause a true survey to be taken in writing of the names, qualities, and professions, and places of habitation, of all strangers born. Our will and pleasure is, that such strangers born put themselves under our royal protection, whereas by the laws of this realm they ought not to work at all or use such trades but as servants to the English. But they are not to draw hither an increasing number of masterless men of handicraft trades, to the extreme hurt both of English and strangers, but that such either speedily return into their own countries, or put themselves to work as hired servants, according to the true meaning of the laws." He thought he had now done enough to show, that the policy which the country at present pursued with regard to aliens, was not, to say the least, more severe than that which had been pursued at former periods of our history.

Another objection which had been made to the act was, that the powers which it gave to the executive were liable to abuse. It was impossible to deny, that that objection applied with some degree of force. But he would ask, whether there were not securities against the abuse of the powers conferred by the bill? In the first place, the alien possessed the power of appealing from the order of the secretary of state to the privy council. But there was a still more effectual check against abuse in the account which the secretary of state must render of his proceedings to parliament. If, from any personal motives, or to gratify the passions of another, he had abused the powers which had been intrusted to him, would he dare to come down to that House that night and ask for a continuance of those powers? When it was urged, that the powers which he now called for might be abused, he would appeal to facts, and say, "Look at the past, and judge from that of what is likely to be the case with respect to the future." He wished the House to understand that he did not mean to say, because there had been no abuse of the powers conferred by the act, that was a reason why the act should be continued. He merely wished to show, that there had been no abuse of those powers; because he felt that if an instance of that nature could be produced, it would be an insurmountable impediment in his way on the present occasion.

It appeared from a return which had been laid on the table, at the instance of a noble lord opposite, that the whole number of aliens sent out of the country under the provisions of the act, since the year 1816, amounted to only seventeen; of these, eleven or twelve were individuals connected with Buonaparte, and of course their banishment from the country rested on peculiar grounds, exclusively applicable to their case. The number of persons, therefore, who had been sent out of the country under the operation of the act, who were unconnected with Buonaparte, amounted only to five or six, during a period of nearly ten years. He could speak with greater certainty of the proceedings during the last two years, in which it had become his duty to enforce the provisions of the act. In 1822, persons had been sent out of the country; and in 1823, only one person had been subjected to this proceeding, and that was under very peculiar circumstances. He alluded to Count Bettera.

Another argument which had been advanced against the Alien act was, that it was not required for any domestic purposes, but merely that it might be made subservient to the wishes of foreign powers. The best answer which could be given to that objection was, to show what had already taken place. Within the last ten years, no individual had been sent out of this country at the suggestion of any foreign power. But it was said, that if a foreign power should make an application to have an individual sent out of the country, and that application were disregarded, the said foreign power would be offended. Again, he would only say, that no instance of such application had occurred. It was also alleged, that the act had the effect of discouraging aliens from coming to this country, because they knew that they would derive no protection from the laws, but would exist here only by the sufferance of a secretary of state. He thought that when foreigners found that during the last two years, only one individual had been sent out of the country who had resorted to the threats of assassination and suicide, their dread of the powers confided to the secretary of state would be materially diminished. He would, however, refer to facts, to prove that there had been a progressive increase in the number of foreigners arriving into, and resident in, this country since 1818. [Mr. Hobhouse said, across the table—"That is owing to the circumstances of the times."] What the hon. member said was perfectly true; and he was very glad of the hon. member's admission. The circumstances of the times had led to a great resort of strangers to England: and he rejoiced that this country had afforded them an asylum. For in no single instance had any alien been refused permission to enter England, on account of the domestic troubles in which he had been engaged in his own country. No inquiry was made respecting the causes which induced aliens to come to England; but the portals of the country had been thrown open wide for the admission of all. In 1821, the number of aliens residing in this country was 24,000; in 1822, 22,500; in 1823, 25,000; and in 1824, notwithstanding all the declamation which had gone forth on the subject of the Alien act, the number had increased to 26,500.

It was said, that whatever might be the intended exercise of this power by the government, still it was liable to abuse, by being used as an engine of menace by the subordinate officers to whom the execution was intrusted. He denied that it had been with his knowledge so intrusted, nor would he ever consign the exercise of such a measure to subordinate agents; and he would declare, that in no case had the representation of any individual respecting aliens been attended to in the manner supposed for the last ten years. The powers of the act were reserved, if necessary, to be applied, upon the responsibility of the minister, on public grounds, and not upon any individual authority. He pledged himself, as secretary of state, for that mode of applying the provisions of this act, and no other.

In former discussions, it had been said, that the bill was unfair, inasmuch as it placed all aliens, of whatever character, or of whatever duration of residence in the country, upon the same footing. He felt the force of such an argument, and had endeavoured to remove it; for which purpose he meant to propose, that all aliens who had resided for the last seven years in this country should be exempted from the operation of the bill. This provision would, he believed, exempt at least ten thousand persons from the Alien act. He hoped that this would be deemed an important alteration, by those who were opposed to the details of the bill as it originally stood; and that the introduction of the clause of exemption to which he alluded would be regarded as a proof, that however erroneous might be his view in proposing the renewal of this act, at least it was not with a wish to possess himself of arbitrary power.

He had hitherto occupied himself in removing certain objections which had been made to the measure; but, in removing them, he by no means considered that he had furnished exclusive reasons in support of such a bill: on the contrary, he admitted that the power, the continuance of which he called for, was extraordinary—that it was novel—that it was in principle a new measure, and one which did not belong to the established law and policy of this country. He was bound, therefore, to give some proof, not only that this was a power not fairly liable to abuse, but also that the necessity for its enactment preponderated, beyond the value of the principle from which it must be considered, in some degree, a departure. It was, he knew, very difficult, on such an occasion, to give what might be called mathematical proof of the necessity for the measure, and of the precise amount of danger arising from the uncontrolled residence of aliens in this country. He could however declare to the House, that he was perfectly satisfied, from all the inquiries which his official situation enabled him to make, from all the information which the present circumstances of Europe afforded, from every view which his most matured observation could suggest, that, if this power were now withdrawn, three months would not elapse before parliament and the country would have reason to regret that abandonment, and feel themselves under the necessity of resorting, under the emergency of the occasion, to some equally summary, perhaps more severe measure, for the attainment of the same object. There were in this country at present, 26,500 aliens: of these nearly 20,000 resided in London. The ordinary number of aliens resident in the metropolis had been of late much increased, by the troubled times upon the continent, which had, under various circumstances, and in consequence of these troubles, augmented, within the present year, the number by at least 1,300. In alluding to this latter augmentation, it was unnecessary for him to say one word which was calculated to give offence to the most ardent and enthusiastic lover of liberty in this or any other country. It was, however, probable, that among the aliens who had recently sought an asylum in this country, were men of ardent spirits, warm feeling, and excited passions. Did he complain of such men? No; he rejoiced that this country was able to afford them that asylum which their condition required; and as long as they used their domicile here for their own peace, and safety, and subsistence, so long, he hoped, would they receive a hospitable protection. But, was it unreasonable for the government to say to such men, "We give you an asylum here, and while we give it to you, and secure to you the peace and repose which it is calculated to afford, so long we are entitled to expect in return from you, the observance of peaceable conduct, not calculated to disturb the policy of this country, or commit it clandestinely with foreign powers?" The insular situation of this country afforded peculiar facilities to perturbed spirits, to foster and prepare their machinations against the states from which they may have emigrated. Was it right that they should be permitted to concoct or mature such plans here? Was it right that they should be permitted to take such hostile steps towards powers in amity with England—the country affording them an asylum—as would, of necessity, disturb the neutral policy which this country had judged it expedient to maintain? Was it right that such aliens should be quietly permitted to arm themselves for future experiments upon their own governments while reposing under the protection of British law? He would suppose the case of an individual who had fled from his native country, and obtained an asylum in this, availing himself of the facilities which were here within his reach, to plot against the colonial government of a nation with which Great Britain was in amity; was it fit that such a person should make London the place in which he was to erect a machine to disturb the country from which he had escaped, and to do so by violating the peaceful demeanour which he was bound to observe in the country which had received him? Was the case he supposed an imaginary one? No, it was not fancy, but fact; and circumstances of which he had had occasion to take cognizance warranted him in stating to the House, that this country was selected as the spot best calculated to be made the scene of such a plot, for disturbing another government. What did the ministers of this country do upon the discovery? They saw the parties, they reminded them of the existence of the Alien act—and of its powers, and warned them against putting government to the unpleasant necessity of enforcing them; they took the mildest course; they did not send the parties out of the country, but they corrected their conduct by remonstrances, such as he had described, and informed them, that however willing the government always was, to afford an asylum to foreigners, it could not permit that shelter to be violated, by being converted into an opportunity for the indulgence of their own political machinations, and for effecting, through this country, their own political objects in the countries from which they came. Was that an unreasonable return to ask for the asylum afforded?

He was not aware that any other topics remained for him to touch upon in the present discussion. It was his intention to propose the renewal of the bill for the same period as was proposed last year; namely, for two years, with the exemption upon which he had already touched of those aliens who had resided for seven years in this country. He trusted that, considering the great resort of foreigners for which this country was remarkable, and the necessity of cultivating all just and proper means of preserving the march of peace, and not disturbing that system of neutrality which was the best calculated to maintain so desirable an object—he trusted that upon all these considerations the House would not be unwilling to grant the government the renewal of the bill in the manner which he proposed. He concluded by moving "That leave be given to bring in a bill to continue the said act."

Mr. *Hobhouse* lamented the necessity he was under of following the right hon. gentleman over the beaten track which he had considered himself under the necessity of pursuing. Before he did so, however, he could not help reminding the right hon. gentleman now, as he had done two years ago, that there were many individuals in the House of Commons, who did suppose that when he (the right hon. gentleman) had entered upon his career as one of the first ministers of the Crown, he would have abandoned the renewal of a measure which both in this country and on the continent was looked upon by the best friends of rational liberty, by those who were reckoned the guardians of freedom, as an utter violation of the principles which ought to regulate the government of a free nation. The right hon. gentleman had said, that he was afraid of wearing out the House by trespassing upon their patience, while he recapitulated the arguments so often used in support of this bill. Now, for his own part, he entertained very different apprehensions from those expressed by the right hon. gentleman; for he rather feared that his friends who surrounded him, wearied out by a long and hopeless defence of the constitution of the country—a constitution the validity of which, until of late times, was never doubted—would become dispirited in their perseverance to oppose the dangerous engine of the erection of an absolute minister in this country—a minister invested by parliament with the power of telling any man who touched what was often called the sacred soil of Britain, "You shall depart at my will and pleasure, for here you shall no longer find an asylum." This was the engine, and this the principle, which he and his friends were almost wearied out by fruitlessly opposing. He for one must say, though he might be deceived, that it was understood, not from the right hon. gentleman opposite, but certainly from one of his colleagues, in the course of the debate of last session, that after that year they were to hear no more of this odious and unconstitutional measure. The observation was used for the purpose of diminishing the opposition to the bill; and it had its effect. Indeed on coming down to the House that night, he had been informed, that the right hon. gentleman did not intend to push the bill to the extent to which it had formerly been carried, and that he meant only to ask for its continuance for a single year. In short, he was given to understand that this measure was to die a merited death, and was to receive no panegyrics from the hon. gentlemen opposite. That this measure had never been of the slightest use, the returns which he held in his hand, and to which he should presently allude, proved most conclusively. It had had no other effect than that of casting a stain on the character of the people of England. It had had no other effect than that of destroying the character which England once possessed for a generous attachment to liberty, without regard to any particular sect or party; or if she inclined to any party, espousing the cause of conquered virtue in preference to that of victorious tyranny. So decided was he in his opposition to a bill fraught with so much evil, that he would make use of all the forms of the House to prevent its again passing into a law. He would, for such a practice, quote the authority of a right hon. gentleman opposite (Mr. Wynn); and when he alluded to that right hon. gentleman's conduct on the present occasion, and contrasted it with the past, he meant not to oppose present virtue, to former failings; for such they must be in the right hon. gentleman's estimate, or else he would not have changed his sentiments. But the right hon. gentleman was reported to have said, in the debate of 1816, that "to this bill he would oppose his physical force, and bodily resistance." Those were the right hon. gentleman's reported words. They had been quoted last year, and remained uncontradicted. The right hon. gentleman was probably absent at the time, but a gentleman filling his situation in the government could never be away from his seat, without having some friend remaining, who could have corrected any mis-statement which might have been made respecting him during his absence. He therefore felt authorized, on the present occasion, in assuming that the words were correctly reported, and to point out to the recollection of the right hon. gentleman, the argument which he had then used, in contradiction to the vote which he was afraid the right hon. gentleman had come down to give on the present occasion.

Before he did so, however, he would advert to the course pursued by the mover of the present bill. The right hon. secretary had explained to them—what had unfortunately become proverbially notorious; namely, the powers which ministers could wield under the authority of this bill. He would not now enter into the discussion of those powers. His objection was to the principle of the bill itself, which went to subvert the foundation upon which the British constitution rested. And to do so for what purpose? For a paltry and base compliance with that odious system which bound Europe to perpetual chains. He detested this subserviency; and he knew not, if it were continued, to whom the people of Europe could look up for the final punishment of those who had shewn themselves to be unworthy of that dominion, with which the Almighty had intrusted them for wise purposes, but which they had converted to gross uses. Although, if England pursued her policy, the sufferers under this tyranny might have to wait a long time for their retribution, still he would predict, that, if the right hon. secretary did not live to see the day, his successor certainly would, when his government would have reason to repent the incessant renewal of this odious act, which bound Great Britain in a common cause with the tyrannic sovereigns of Europe against their oppressed people, sovereigns, who were unworthy of the success which had unfortunately attended their schemes, and who had devoured, one by one, every free state which had opposed their base dominion; and who would, no doubt, conclude their acts by endeavouring to subvert the liberties of that country, which they had made the dupe of their practices. The right hon. gentleman had alluded to what he called "the ancient policy" of this country; and, in doing so, had fallen into the often-refuted blunders of those who had previously embarked in the same line of argument, and had quoted from Magna Charta, the words "nisi ante prohibiti fuerunt," referring them to some previous law, and forgetting sir Edward Coke's explanation, that the words did not refer to a law, but a mere declaration of council. So that really the right hon. gentleman had by his blunder, fallen into the same pit which had been already nearly filled by so many of his predecessors. The right honourable gentleman, too, forgot, when he talked of the "merchant stranger" being only alluded to in Magna Charta, that at that period there were no gentlemen going the grand tour in those days and that the words "merchant stranger" comprehended every class of persons who could be found in the country. The right hon. gentleman had referred to two cases of interference with foreigners in the reign of Henry the Fourth. He (Mr. H.) was perfectly aware of the existence of those cases; but let the House reflect for a moment on the period of our history which the right hon. gentleman had selected—a period in which not only the privileges of foreigners were not secured, but in which there was no law even for the natives of this country. He need scarcely remind the right hon. gentleman, by what means Henry the Fourth ascended the throne. He need scarcely remind him that there was a disputed succession at that time, and that there were a number of persons on the other side of the Channel ready to espouse the cause of Richard the Second. This was sufficient to account for the issuing of the orders in council against these foreigners; for they were only orders in council. The constitution had not been invaded, by an act of parliament even in that unsettled reign. Surely the right hon. gentleman must know, that that was no time in which to seek for a constitutional precedent, and that when he was quoting it, he was pressing an unpalatable proposition, by arguments altogether untenable. The right hon. gentleman had referred also to the reign of queen Elizabeth. One of her proclamations, it seemed, was directed against Scotchmen. It was well known that that princess entertained a great jealousy with regard to James, who was looking forward to the throne, and that it was the constant policy of the queen and the parliament to discourage his pretensions. Besides, there was at that time, a party in the country ready to league with the Spanish crown in any project which might expel from the throne a Protestant sovereign so obnoxious to them as Elizabeth. No inference, therefore, as to the constitutional question, could be fairly drawn from this period. What had been the conduct of James the Second at the time of the revocation of the Edict of Nantes, when there was probably a greater influx of foreigners into this country, than at any other period? It might have been supposed that James 2nd, whose disposition was sufficiently tyrannical, and who was at that time leagued with Louis 14th for the purpose of altering the established religion and overturning the liberties of this country, would have been willing to conciliate the French monarch by persecuting the protestant refugees; yet no such powers as those for which the right hon. gentleman now contended were exerted against them.

The right hon. gentleman (Mr. Wynn), in his admirable speech in the debate of 1816, had made a powerful use of this fact, and had pointed out, that during a period of one hundred and sixty years, there had been no proof of the Crown assuming the exercise of this power; and he had referred to the mortification of Charles 2nd, who, on finding a foreigner take particular liberties with his favourite mistress the duchess of Portsmouth, and seeing himself compelled to the nightly penance of witnessing these familiarities in public at the theatre, inquired of his minister, if he could not proceed in a summary way to get rid of the offender, was informed, that neither the law, nor the practice, afforded him the power of gratifying his majesty's inclination. Those who referred to the arguments used in the years 1792 and 1793, would find, that no attempt was at that time made to put this bill on the basis of precedent. On the contrary, it was admitted to be quite novel, and, to be only justified by the extraordinary circumstances of the day. Mr. Burke had declared, that "if the Crown possessed such a power in time of peace, it would be too great for liberty:" and lord Grenville, at the same time, had said, that the measure was "only justified by the emergency, and by self-defence."

The right hon. secretary had spoken of the difficulty of bringing forward a mathematical proof of the necessity for this measure. What the right hon. gentleman meant by a mathematical proof, he did not know. The expression seemed to be as much out of place, as that which he used in the year 1822, when he had observed that it was a measure suggested by "a temporary or a permanent emergency." It had been observed, on that occasion, by an hon. and learned friend near him, that the expression smacked of the right hon. secretary's residence in the sister kingdom. If, by a mathematical proof, the right hon. gentleman meant the number of persons who had been sent out of the country, there was not the slightest necessity for the renewal of the measure. If only sixteen persons had been sent out of the country in the last ten years, what danger could possibly arise from depriving his majesty's ministers of this unconstitutional power? In the year 1816, it appeared that no aliens had been sent out of the country; in 1820 there had been none; in 1822 there had been none. In 1817, there had been the count de las Casas and his son Emanuel. In 1818, there had been two ladies and four Frenchmen. In 1819, there had been madame Montholon and two or three others. In 1821, there had been four; and in 1823, one, namely, the count Vito Bettera de Wodopich. Such was the class of persons, to provide against whose machinations, it was declared necessary to arm his majesty's ministers with this extraordinary and dangerous power. The next argument advanced by the right hon. secretary in support of this measure was, an assurance to the House that the powers thus vested in the secretary of state would not be abused. "You may depend" said he, "that I will not abuse this power, nor has it hitherto been converted to any improper purpose;" but, in answer to that, he must repeat what had been stated by his hon. and learned friend (sir J. Mackintosh), when this question was before under discussion. The law itself was the abuse. The abuse, the flagrant, the monstrous abuse, was the infringement on the constitution. The right hon. gentleman said, "I never will intrust the execution of this to subordinate agents." But, he would ask the House, what security was there in that precaution? Were not general warrants protected in the same manner? Was it not said, that they were only issued by the secretaries of state? And yet, they were ultimately upset and abandoned, not because they were palpably abused, but, because the power which they assumed was so liable to abuse, that it could no longer be tolerated. The right hon. gentleman had talked a great deal of the responsibility of the secretary of state; but really, without meaning to say any thing uncivil, he was quite astonished, that the right hon. gentleman, knowing, as he did full well, how that House was constituted, could have the face to talk of his responsibility. Do they not all know right well how that House had given its sanction to measures of all descriptions? What was the course that had been generally resorted to? The invariable practice in all cases of difficulty was, to move for an indemnity to save his majesty's ministers. To indemnify them for what? Not for their own act, indeed, but for the act of the parliament itself. Parliament granted the power, and if any complaint should be made of abuse, the right hon. gentleman would only have to come down to that House, and say, "You have conferred this power upon me, and you must now ratify it: it is rather hard for you to complain of the exercise of a power which you yourselves have conceded."

He was ashamed to occupy the time of the House, in replying to these threadbare arguments, and he feared as he was much indisposed, that he should be very imperfect. The right hon. gentleman said we afforded a shelter to foreigners, and they had no cause to complain. Why, the other day the emperor of Morocco afforded protection to some unfortunate Spaniards—and that too, let him remind the House, at a moment when it was most desirable, for it was when they had been refused an asylum in a British colony. At a time when a party of constitutionalists, flying before the triumphant French armies, had sought a shelter at Gibraltar, they had been refused admission and were obliged to seek an asylum from the emperor of Morocco, and they had obtained it. Now, the emperor of Morocco had just as much hospitality as the right hon. gentleman opposite. He gave them permission to remain in his dominions, and he allowed them all those rights and privileges which the right hon. gentleman conceived to be sufficient for one country to grant to the subjects of another; namely, just to put their foot upon our soil, to breathe the same atmosphere, and, if they conducted themselves properly, to linger out an existence amongst us [hear].

He now came to that part of the bill which the right hon. gentleman called a great concession. He said, that there were ten thousand foreigners resident in this country, whom he meant to exempt from its operation. Why, to be sure, he was glad to get any thing; but he well remembered that when his hon. and learned friend (sir J. Mackintosh) proposed the very clause which the right hon. gentleman now brought forward, the right hon. secretary opposed it with all his might. His hon. and learned friend had proposed, that all persons who had resided for a certain period in this country, should not be liable to the effects of the measure, and now the right hon. gentleman himself came down and proposed the very alteration which he then so strenuously opposed. If he could be prevailed upon to give his assent to this bill in any shape whatever, he should applaud even this tardy consent to an improvement, which never should have been denied. But this had nothing to do with the grand objection which he felt to the principle of the bill. There would still be in this country a number of persons subject to the control and absolute will of a single minister. If the right hon. gentleman had come down and said, "Grant this measure for the present, and for a limited time only, at the expiration of which it shall expire; but there is now a strong necessity for its enactment," then, perhaps, one might be induced to give it a reluctant assent; but, if the measure was to be passed now, he really could see no reason why it should not continue for ever. It is true the right hon. gentleman had not, on this occasion, treated the House with that fanfaronnade, which it had heard on a former one. He had not talked of that "revolutionary demon" and he knew not what, spoken of by the Irish attorney general, that was not yet plunged deep enough in the Red Sea. In 1802, the measure had been defended on account of the establishment of Bonaparte in his power; in 1814 the "revolutionary demon" was still abroad; in 1818 the evacuation of the French fortresses was the necessity, on account of the restoration of the Bourbons; and, in 1820, lord Londonderry had argued for its enactment, on account of certain elements of mischief which he had stated were at work on the continent. All these causes had now ceased, and the right hon. gentleman was obliged to confess that he was not able to adduce any "mathematical proof of its present necessity." But he had not even given the House a moral proof. Was he afraid that foreigners residing in this country would plot against our government? Lord Londonderry had said that this was the case. Did the right hon. gentleman dread that they would plot against the governments abroad? Yes, this was the ground upon which the right hon. gentleman supported this execrable measure; and this was the very ground upon which, he (Mr. H.) felt himself called upon most especially to oppose it. This country had been too long the accomplice of the detestable Holy Alliance. No man could have travelled abroad, and paid the least attention to foreign politics, and not have perceived, that the governments of the continent looked upon this odious measure as part and parcel of that bad system of policy, by which they endeavoured to subjugate all the nations of Europe. Englishmen travelling on the continent had frequent opportunities of observing the light in which the measure was viewed.

He was now speaking upon a subject, on which he had himself had the benefit of a little practical experience. During his residence at Milan, he had endeavoured to rescue an Englishman from the oppressive power of the Austrian government. The Englishman, whilst at the theatre, had been greatly incommoded by the rude conduct of an Austrian officer, who refused to take off his hat, though politely informed that by wearing it he completely intercepted the Englishman's view of the stage. The Englishman, finding that politeness produced no effect, proceeded to remonstrate, in very insulting language, with this valiant Austrian. The Austrian did not resent it at the moment—for individually his countrymen did not seem fond of fighting—but adopted such measures as showed that the insult had not passed without his notice. Accordingly, the next morning he obtained an order from count Zurlo, commanding the Englishman to quit the Milanese territory in eight-and-forty hours. The Englishman came to him (Mr. H.), and requested him to remonstrate with the count against this order. He accordingly did so. But, on mentioning the subject to that nobleman, he immediately got this answer, "Why you would do exactly the same thing under your Alien act." He (Mr. H.) replied, "No; bad as we may be, we should never think of sending a foreigner out of our territory, because he had desired an Englishman to take off his hat at the opera." The count appeared incredulous, and in return to the arguments which he had used for his countryman, merely said, "The air of the Milanese will prove unpleasant to your friend: he will enjoy his health much better in the south of Italy." He could prove at their bar—if indeed proof were necessary—that similar treatment had been experienced by several of our countrymen, in various parts of the continent, and had always been defended by the same sort of argument. The Alien bill was always quoted, in defence of any oppressive measures taken against Englishmen. It was only in the autumn of last year, that an English gentleman was stopped by the police at Rome, who was travelling towards Greece, with a passport of Mr. Secretary Canning, He immediately asked, why he was stopped? And was told, that there were some individuals whom it was determined not to allow to travel in the Neapolitan states, or, indeed in any other states that had been recently disturbed: and that of those individuals he was one. He remonstrated against this decree, stating that he was merely in transitu, to another country. But his remonstrances were in vain; as his name was placed on the list of those who were supposed to espouse liberal principles. He cited this case as a proof, that there was a determination among the members of the Holy Alliance to establish a general system of European police, to make our Home Secretary, if he would condescend to the task, one of their runners, and to employ him, not so much in persecuting the subjects of their particular states (though he would show that even that had been done), as in furnishing them with a pretext for harassing such of our own subjects as avowed principles opposite to their own, and happened to be residing in their dominions.

It was said, that a measure like the Alien act was rendered necessary by the activity of the revolutionary faction with which Europe was at present infested—that that faction like Archimedes, only wanted a place on which to put its lever, to enable it to overturn the world, and that it was most unfitting to allow it to find that place in a country like our own.

Now, he put this question to the right hon. secretary for foreign affairs—whether he was most afraid at this moment of the people of Europe, or the power of their legitimate despots? He gave the right hon. secretary credit for fearing the despotic and monarchical spirit of the tyrants of Europe much more than he did the liberal spirit of their oppressed subjects; and, if he was correct in that opinion, he thought that it was no less the interest than it was the duty of the right hon. secretary to change the policy which the country for some years past had been pursuing, and to show the allied sovereigns, peaceably though distinctly, that he saw through their designs, and was no longer disposed to give them the support and countenance of England. For his own part, he had hoped, that when the right hon. gentleman felt himself in full possession of the powers of government, he would have adopted a new system upon this particular point, and that he would not have continued to compromise the national honour by a base servility to the wishes of the allied monarchs. The right hon. secretary might depend upon it, that if we continued much longer in our present track, it would not be our allies, but ourselves that would suffer; for no state that compromised its honour was ever long able to maintain its interests. He was glad to find, in the papers which had been recently laid on the table, that the right hon. gentleman had declared his determination not to suffer this unholy combination of kings to extend their principles to the provinces of South America. He had now another opportunity of abstracting his country from the yoke under which it had been for some time placed; he had now an opportunity to change its policy with regard to them; first of all by discontinuing the Alien bill, and next by repealing the foreign enlistment bill. By taking those measures, he would show the powers of the continent, that a new era had arisen in the policy of Great Britain. We had not stipulated—at least we was not aware that we had stipulated—to continue those bills so long as their continuance should be demanded of us. He knew, indeed, that they had been introduced into parliament under certain arrangements, and with a view of furthering, to a certain extent, the plans of the Holy Alliance; but, he would ask, had not a great and singular change taken place since that time, not only in their principles, but also in their proceedings? Even the marquis of Londonderry had found himself compelled to disclaim the principles which they avowed at Troppau, before they proceeded to march against Naples; and the right hon. secretary and his minister had remonstrated at Verona against the doctrines which they promulgated before they commenced their infamous aggression upon Spain. Supposing, however, that they had not spoken a word—supposing that they had never ventured a syllable in justification of deeds which called the blush of shame into every manly and ingenuous countenance—still, the deeds themselves would be sufficient to induce us to make some change in our line of policy. Sufficient, did he say? Did Englishmen, in that parliament—in which liberty was yet able to elevate her voice, and in which she sometimes spoke in tones that astounded and alarmed the tyrants of the world—did Englishmen want any excuse for either proposing or advocating such measures as were calculated to promote their own freedom, and along with it the general freedom of mankind? Was there any man in the House so pusillanimous as to suppose, that the allied sovereigns would dare to remonstrate with the right hon. secretary for foreign affairs, if he should propose to give up the Alien bill now and for ever? No: though they might feel acutely upon the subject, they would never dare to utter a word in the shape of remonstrance; they would only see that their conduct had taught England to detest their designs and to follow a better and a wiser policy. He therefore trusted that the right hon. gentleman would show the Holy Alliance, that he would no longer be even considered as their accomplice. The British government ought to be like Cæsar's wife, beyond suspicion, both as to its internal and its foreign policy. The present bill affected its character in both relations; it affected it in its internal policy, because it did away with that ancient constitutional regulation that no man's liberty should be placed at the arbitrary will of any minister, responsible or not: it affected it in its foreign policy, because, it furthered the attempts of the Holy Alliance to leave no resting-place for the sole of a freeman—no asylum in which he could exalt his voice against the abettors of tyranny.

The right hon. secretary for the home department had asked, whether we would allow the subjects of other states to plot in this country against the government of their own. To this question he would reply—"Yes, he would." He might be told, that in using such language, he was using the language of the French convention of 1793. But, he denied the fact. He was not using its language; or, if he was, he was only using it in common with our brave and high-minded ancestors, who would not allow the liberty of strangers to be invaded, because they might, by chance, conspire against the tyrants of their own country. To be afraid of the plots which the people were now forming against their tyrants, and not to be afraid of those which their tyrants were forming against the people, did not, in his opinion, differ much from fearing the sheep, when we ought to be afraid of the wolf. He had frequently heard it said upon the continent, that the plan of the Holy Alliance was, to terrify England, if they could, into acting as their friend, and then, if they could not, to cajole her until she acted as their dupe. The government had now the opportunity of showing that band of conspirators against the dignity of mankind, that it would neither be bullied by them on the one hand, nor cajoled by them on the other—that it would disconnect itself, peaceably and for ever, from all future participations in their projects, and that it would seek its own interest, tranquillity, and glory, in a free, liberal, and independent policy. In recommending the government to pursue that course, he was not seeking to create any new system, but merely to bring back the old—that system under which our ancestors had lived free, and under which they had distinguished themselves, not only as the patrons of liberty, but as the generous dispensers of it to others. He was no Utopian, but he wished the House to choose between those who desired to make their country an accomplice with the tyrants of Europe, and those who had at all times stood forward the friends and benefactors of mankind. With that view, he should conclude by moving a resolution, which, at the same time that it would enable him to place his own sentiments on record, would enable the House to make the choice he had mentioned. The hon. gentleman concluded, amidst loud cheers, with moving by way of amendment,

"That this House is of opinion, that the Alien bill is a disgrace to the Statute-book, and that to renew it, either permanently, or for any period however limited, would be highly injurious to the character and interests of Englishmen abroad, and destructive of the principles of their constitution at home.

"That this House, moreover, looks upon the Alien bill as a badge of servility, connecting the British government with the league impiously miscalled the Holy Alliance; and this House, having witnessed, with horror and alarm, the monstrous aggressions of that alliance on the rights of individuals, and on the independence of nations, will never sanction a measure by which the English nation may appear to make a common cause with the abettors of tyranny against the victims of persecution."

Mr. *Wynn* rose, to say a few words upon this bill, in consequence of the allusions which the hon. member for Westminster had made to a speech which he had formerly delivered in opposition to it. He contended, that as the circumstances of England at that time and at the present were widely different from each other, there was no inconsistency in his voting against it at that time, and in his voting for it at the present, especially as a clause was now introduced into it, which obviated a great many of his former objections. Of the Alien bill, with all its severe enactments, he had always been a supporter during the war; because he conceived it to be a measure which was required by paramount necessity. He had never, however, supported it on the plea, that the powers which it granted belonged, as matter of prerogative, to the Crown. He did not formerly believe, nor did he now believe, in the existence of any such prerogative; on the contrary, he was convinced, that this bill would never have been submitted to parliament, if the existence of such a prerogative, or the exercise of it, could have been satisfactorily made out by legal evidence. During the period of the French Revolution, such a measure was unquestionably requisite; but he had considered, that the necessity of its continuance had expired with the revolution. An alarm was naturally enough excited, in 1793, when France began to assume those appearances which the hon. gentleman seemed desirous to have introduced into this country [No, no!]. He contended, that the arguments of the hon. member would go that length. The hon. member had quoted a passage from a speech, which he (Mr. W.) had delivered in the year 1816, upon which he had sought to fasten a charge of inconsistency. Now, he could not answer for the accuracy of any representation that might be sent forth of his sentiments. Where the hon. gentleman had found the statement he had referred to, he could not tell; but he had himself never seen any representation that could at all justify the statement of the hon. member; namely, that he had expressed his determination to oppose the measure "by physical force and bodily resistance." He perfectly well remembered when the question was under discussion, that at three in the morning, on the motion for bringing up the report, an hon. and learned friend (sir J. Mackintosh) proposed a clause similar to one which was introduced in the present bill; and he had felt it his duty, in urging the propriety of having a satisfactory discussion on the clause, to state, that he certainly should avail himself of the forms of the House, in order to procure the subject the full consideration to which it was entitled. His hon. and learned friend would probably recollect what had passed on that occasion; and it would be found to be materially different from that which had been stated by the hon. member for Westminster. With regard to the present bill; he confessed he did not vote for it from any apprehension of danger from the machinations of foreigners against our domestic tranquillity, but from a wish to prevent this country from becoming a focus for foreign agitators to devise machinations against the domestic tranquillity of their own countries. He considered that our government would be guilty of a breach of neutrality, were it to permit such machinations to be carried on with impunity within its territories; and he therefore contended, that it was necessary that some power should be vested in it, whereby it could check such plots, as soon as they should come within the scope of its knowledge. With regard to the observations which the hon. member had made upon the conduct of the governor of Gibraltar towards the Spanish refugees, he would merely observe, that their dismissal was absolutely rendered necessary, by the actual circumstances of the garrison, which had of late years been very small, in consequence of the general wish for reduction that existed at home. The Alien bill, qualified as it was by the clause which exempted from its operation those foreigners who had taken up their domicile in this country, appeared to him to be a measure sanctioned by a wise and cautious policy; and he must say, that the manner in which it had been executed during the last eight years, had quieted many of the apprehensions which he had formerly entertained, with respect to its practical operation. He should therefore give it his cordial support.

Sir *J. Mackintosh* said, he rose thus early on the present occasion, because the state of his physical strength was at present such as would not permit him to wait for a later hour in which to address the House. He would commence the few observations he had to make, by bearing his testimony to the correctness of the statement which his right hon. friend had just made, respecting the words which he had used in opposing this measure in the year 1816. He recollected his right hon. friend's speech well; and without entering into the merit of it more particularly, would simply observe, that he should avail himself, with great satisfaction, of the assurance which his right hon. friend then made, and had since repeated, that he did not believe that the Crown ever possessed the prerogative, for which another right hon. gentleman was now contending—he meant the prerogative of sending foreigners out of the kingdom at its sole will and pleasure. His right hon. friend said, that there was a wide difference between the situation of the country in 1816, and its present situation in 1824. He acknowledged that there was; but he left it to the House to decide, which of the two years formed the more specious defence for passing an Alien bill; the year 1816 being the first year after the conclusion of the war which had convulsed Europe to its centre, the year 1824 being the eighth year of an uninterrupted peace. As he had not seen his right hon. friend in his place, when this measure was under discussion in 1822, he supposed it had then met with his disapprobation. And if it had then met with his disapprobation, he should like to know, why his right hon. friend anticipated more danger from revolutionary principles in 1824, than he had anticipated from them in 1822? The right hon. secretary who had introduced this bill, had put forth a defence of it, which he had conducted with much dexterity and no little conciliation. He had made great use of a figure of speech called "euphemismus" by grammarians, a figure which consisted in giving agreeable names to substances that in themselves were quite the reverse. He had never heard a man describe absolute power by more pleasant circumlocutions than those which the right hon. secretary had that evening used; but, unfortunately, he could not for his life forget, that though this absolute power might be fairly exercised—though it might only be exercised over a small number of individuals—though it might never be applied to unworthy purposes—it still was absolute power, and therefore ought not to be intrusted to any individual. It was painfully irksome to him, both in point of physical force and of mental lassitude, to have been engaged for the last ten years, in giving his opposition to an Alien bill. In such a situation, the mind gladly laid hold of any circumstance, which showed that the opposition which it had directed had not been altogether without some effect upon the discussion. It was satisfactory to him to see that the clause, for which he and others had contended in vain in 1816, was now introduced by ministers themselves; and he should be consoled to the end of his life, with the grateful reflection, that he had thus had some share in withdrawing 10,000 out of 26,000 individuals, from the absolute and arbitrary power given to the government, by this odious and impolitic bill. As to the mildness with which the bill had been executed, he would merely ask, did the House suppose that it would have been executed in the same mild manner, if its operation had not been submitted to the rigid scrutiny of public men? Had not that rigid scrutiny rendered the members of government careful, not only of the manner in which they themselves exercised it, but of the manner in which their inferiors exercised it? Had not the discussions, which always attended such scrutiny, also produced their effect, not only in mitigating the exercise of the power which the bill gave, but also in mitigating the power of the bill itself? He therefore thought that ministers had no right to urge the mild manner in which the bill had been carried into execution, as an argument for again expecting the bill to be passed. Referring again to the arguments of the right hon. secretary, he observed, that that right hon. gentleman had employed another figure of speech a little too often in the observations which he had that night addressed to the House. The figure of speech to which he alluded was the *hysteron proteron*. He had answered the objections which he had supposed might be made to the measure, before he had said one word in explanation or defence of the reasonableness of it. It was incumbent upon him, as mover of the bill, to have said something in favour of the advantages which it would confer on the country; or, if it conferred no positive advantages, of the evils which it would enable the country to avoid; but, upon neither of these topics had he offered a single observation; not a word on its advantages; nor even on the necessity which might be supposed to dictate it. The right hon. gentleman had said, however, that the bill was not a deviation from the ancient policy of this country. That point he, perhaps, ought to leave the right hon. gentleman to settle with his right hon. colleague who sat near him (Mr. Wynn). But, he would not do so. Allowing all the cases which the right hon. gentleman had quoted in favour of his argument to be correct, what did they amount to? That, in the course of four hundred years, there had been only five acts of arbitrary power committed upon the aliens who had entered the country, and that, too, be it recollected, before the formation of the constitution—before the period of any thing like a constitutional administration—before the commencement of that period, from which alone it was safe to take any judicial precedents. Did the right hon. gentleman know how many precedents there were for the issuing of general warrants? There were above a hundred; and those too, not in the barbarous days of Henry 4th., but beginning with those of Charles 2nd., and continuing down to the time of George 3rd., when lord Camden, to his honour as a judge, declared their illegality; sanctioned, too, by the great lord Chatham, who, equally to his honour as a peer of parliament, condemned the use of them which he had adopted as a secretary of state; practised, likewise, by all his predecessors, from the Revolution downwards, without their legality having ever been disputed. It did not appear that any of the five cases on which the right hon. gentleman rested his argument, had ever been decided to be law. The first of them took place four hundred years ago. Then there was a leap of two or three hundred years, which brought them to two cases in the time of queen Elizabeth; then two or more in the time of

James 1st, and from that time downwards "ipsissimum silentium." The same arguments which the right hon. gentleman had urged to prove the existence of this prerogative in the Crown, had been previously urged in defence of the right of the Crown to levy ship money, and to dispense with the laws—questions, of which one had brought the monarch to the scaffold, and the other had driven his son from the throne. The judges of both periods, resting upon some stray instances, in bad times, in which those prerogatives had been exercised, decided in favour of the monarch against all the sacred principles of government; and by so doing betrayed the governments which they served, and plunged them both into the abyss of ruin. He held, at that moment, in his hand an opinion of an eminent lawyer, taken in 1792, as to the right of the Crown to refuse admission to aliens into England. He should not read it to the House, but should confine himself to stating its substance, merely asking the House to consider what sort of lawyer he ought to be, whose opinion would be of the greatest weight when given against the Crown. First of all, ought he not to be a person whose feelings were not in favour of the people? Then, ought not he to be a person whose bias was strong in favour of the Crown? Then, ought he not to be a person whose learning was undisputed, and whose knowledge was unrivalled in those early periods of our history, in which the prerogatives of the Crown were shaped into form by the interposition of parliament? Having described a lawyer of this description, he knew that he had no occasion to summon before them the image of Mr. Sergeant Hill. That distinguished lawyer had said, "I am of opinion, that there is no prerogative of the Crown which entitles it either to expel foreigners from the country, or to refuse them admission into it. All prerogatives rest on the common law, and the common law rests upon usage; and, so far from the usage being in favour of such a prerogative, there is even usage against it; as may be seen in a statute passed in the third year of Henry 5th. enabling him to exclude certain subjects of the duke of Britanny from the country." Now, he would ask the House to consider when that statute was passed. Was it passed when the king's power was weak? No; it was passed in the same year in which he returned victorious from Agincourt, and in which the emperor of Germany came to visit him, on the plea that he was the greatest and the bravest hero of his age. Let it be recollected, that this was not his opinion, "non meus hic sermo;" but the opinion of Mr. Sergeant Hill, who was not a declaimer, who was not a revolutionist, who was not an incendiary, who was not even a Whig. [A laugh]. The right hon. secretary had said, "It mattered little what the prerogative of the Crown was, since it had at present no power but that which it received from parliament." If that were the case, why did the right hon. gentleman contend so strenuously that it was not an innovation in 1793 that had placed the king's subjects in a different situation from that in which they were placed two centuries ago? After such an admission, he thought himself entitled to lay aside all further legal consideration of the subject. Another objection which he had to this bill was, its extreme liability to abuse. He left out of consideration the promises which the right hon. gentleman had made of the future, and looked only to the past; and he saw that, under this peace Alien bill, nine persons had been sent out of the country. The war Alien bill, it should be observed, was essentially different from this; and those who had voted for the former, might, with perfect consistency, vote against that which was now under consideration; because it was a peace Alien bill, it gave to ministers the most absolute power over all the foreigners of the kingdom, who might be deprived with impunity of the privilege of the Habeas Corpus act, and of the blessings of trial by jury. This act placed all those who visited our shores at the mercy of government, who might at a moment's notice, and without assigning any reason, send out of the kingdom every foreigner they pleased. But, it was said "This power has long existed, and has never been abused." The argument then came to this—that arbitrary power might be tolerated by a British House of Commons, provided it was not called into action for unworthy purposes. Such an argument was more dangerous, and, if it were persevered in, would, at length produce the effect stated by Mr. Burke—he believed in his speech at Bristol—when he said, "I believe we shall all come to think, at last, with Mr. Hume, that an absolute monarchy is not so bad a thing as we supposed." The right hon. secretary had said, in defence of this measure, that no person had complained of the Alien bill: but the answer to this was, that the operation and constitution of this bill, placed a foreigner in such a situation, that it was impossible for him effectually to make his complaint. Suppose an Italian, or a Frenchman, suddenly sent out of this country and landed on a distant shore. How was a person so situated to cause his voice to be heard in the British parliament, or the cabinet council of England? He admitted, that the free debates, and the fearless discussions on all great public questions, in a popular assembly like this, tended greatly to prevent the evils which might be apprehended from arbitrary measures, such as this confessedly was. But, what was the inference to be drawn from this argument? It was, that they ought to preserve inviolate those free principles from which their free institutions had emanated: it was, that they ought, on no account whatever, to tolerate a principle of an arbitrary nature: it was, that they ought to reject every precedent of this kind. He knew it might be said, that arbitrary power gave to the government an opportunity of acting with a degree of promptitude which, under the forms of a limited monarchy, the government did not possess. But, what was the effect of such an argument? Let the House mark the mischievous consequences of softening down and explaining away, the apprehensions which were naturally felt at the existence, in any shape, of arbitrary power. Was not the effect to lessen our horror at a system which should always be reprobated? That was the end of all such arguments; although, in using them, he did not mean to impute to the right hon. secretary that he brought them forward with such a sinister intention. When they were told, that the exercise of arbitrary power was very convenient in one instance, and, in another, that it was extremely moderate—when they heard these specious statements made from hour to hour—they at last incurred the danger of forgetting, or of giving up, the great principle, that the forms of a free government were absolutely necessary to check the growth, and counteract the force, of that formidable power, which, when once admitted, seldom failed to go on in an increasing ratio. Would the right hon. secretary, or those who supported the bill, contend, that the midnight police of Paris, that the dark system of *espionage* which prevailed in that city, was better than the plain, open, and manly course, which the British constitution recognized? Doubtless they would not: and yet the present bill proceeded on that secret principle. Some allusion had been made by his hon. friend, the member for Westminster, to the conduct of the emperor of Morocco; and he had heard it said, that the reasoning with which this bill was supported would place Middlesex on a level with Morocco. Now, he would contend, that if, during a period of seven years, a foreigner conducted himself with propriety in the kingdom of Morocco, and it so happened, that a virtuous man sat at that time on the throne of that kingdom (a most extravagant supposition, and one which he only used by way of argument)—he would contend, that that foreigner would be placed in precisely the same situation in Morocco, as that in which, under the provisions of this bill, he would find himself were he to come to England. In either case he must trust to the forbearance, the humanity, and the justice, of the person or persons having in their hands the absolute power of banishment. They might use it if they pleased, and as they pleased. The wanderer had no protection or security from the law, which did not spread its shield over him. He might be subjected to the visitation of caprice—he might be assailed by the hand of injustice. And where was he to demand redress? Such a power he would not intrust to any hands. If Marcus Aurelius sat on the throne of Morocco, he would oppose the existence of such an arbitrary authority, as much as when he saw it placed in the hands of the barbarian, whatever his name might be, who now governed that country. It was to the power which he objected, and not to the person by whom it was wielded. Those who used the stale and common arguments in favour of this measure, to which he had so frequently alluded, were, in fact weakening the grounds and removing the basis, on which all free governments must be erected. It was not because those unfortunate people who came within the scope of this bill were not expelled, that he objected to the measure; but because they might be expelled, by a summary process, if the government thought fit. He must confess, that he had heard with sorrow the argument, that this power had not been abused, advanced so strenuously and so frequently. The House might rest assured, that no government, ever tolerated the exercise of arbitrary power, without laying the foundation for future tyranny. It was a weak argument to point to the virtues of those who at any time were intrusted with unbounded authority. Very often the worst men succeeded the best, as if to show that their holding this power could not conduce to any beneficial end; and, possibly, that their very virtues had wrought evil, by reconciling the people, in the first instance, to an authority, which, had it fallen into other hands, they would have resisted. It had been once said to the emperor of Russia by an hon. friend of his distinguished for his taste, and a disposition to compliment, that the beneficence of his character stood in the stead of a fixed constitution for his people: to which the emperor was reported to have answered in a manner which doubtless befitted him, "Even if what you say be true, I am only a happy accident." Now, he (sir J. M.) would rather say "an unhappy accident," if his beneficence of character hindered the Muscovites from doing that which would effectually prevent such happy accidents in future; if it prevented them from establishing a limited sovereignty, and withdrew their attention from the formation of free and liberal institutions.

Mr. *William Lamb*, after adverting to the policy of this country, from the time of the Reformation to the seven years' war, during which entire period so little favourable was she to the indiscriminate visit of foreigners, that her great object was, to set all the Protestants of Europe in a league against the Catholics—a measure which, he contended, was reasonable in itself, and founded on a policy which, though necessarily liable to fluctuate with circumstances, had in view the best interests of the country—proceeded to advert to the arguments against the present bill, which the hon. and learned member for Knaresborough had derived from historical analogy, nothing, he observed, was so unsafe, nothing so uncertain—in reasoning, as analogy; but, if any one thing could be more unsafe and more uncertain than another, it was historical analogy. It was impossible to know the circumstances precisely as they existed; and therefore it became very easy to depreciate what was done at this time, or what was done at that time, and to scatter sarcasm and invective on affairs, that probably were entitled to be very differently treated. The hon. member for Westminster had taken a very extensive view of the occurrences of late years, and had made a number of observations on the present situation of Europe. In the course of his speech, he had been exceedingly liberal in censuring and reprobating the continental governments, as not coming up to his ideas of liberality. Now, he begged leave to ask, looking at the present situation of Europe—lamenting as much as the hon. gentleman could do, that civil and religious liberty did not flourish as he could wish it (and he undoubtedly wished that every nation should obtain liberty, suited to his own habits, manners, and character)—he begged leave to ask, whether the present situation of Europe, degraded as it was described to be, ought to be attributed to the ambition of the continental sovereigns, to the wickedness of their ministers, or to the impracticable designs of that very liberal party, who now lamented over the evils by which the continent was afflicted? Surely, those who wished the people of the continent to resist the measures of their governors, ought to know, that to attempt to relieve a country from arbitrary power, without the least chance of success, was in fact a folly. France, he presumed, was one of the nations to which the hon. member had adverted, as groaning under arbitrary authority. Now, he would ask the hon. gentleman whether, when on his restoration, the king of France, prejudiced as he must have been in favour of those who had followed him into exile, and had faithfully attached themselves to his family, nevertheless threw himself magnanimously on the country at large, and attempted to form a middle and moderate system of government, the liberal party so eulogised by the hon. member, had not acted on the principle of combining against his majesty, and resisting all the efforts which he was anxiously making for the benefit of their general country? The king of France experienced that which Mr. Fox once complained of, as the greatest political difficulty that had ever occurred to him; namely, that "the violence of party spirit threw every thing into the hands of an enemy, rather than make the least concession to a friend." He lamented to say that these injurious efforts of the liberal party on the continent, were seconded by the violent and indefensible language that had been used towards the various sovereigns of Europe in that, and in the other House of parliament. Such language could do no good. It might be productive of much mischief. There was, besides, no courage in it. What was meant by the persons by whom such language was held? Did they mean to charge the various sovereigns of the continent with the possession of the absolute authority which, in fact, they had received from their people; or did they mean to charge those sovereigns with an abuse in the manner in which they had exercised their authority? If the latter, he begged to observe, that tyranny and oppression and injustice, were not confined to monarchies. The hon. member for Westminster, must be quite aware, that republics, whether democratical or aristocratical, had ever exhibited a spirit, if not of as great domestic tyranny, of much greater foreign aggression than monarchies. Nor, in his opinion, was the abuse which had been so freely bestowed, in the British parliament, on the continental sovereigns more wise than it was brave. Such a course was calculated to urge and to excite them to acts of which otherwise they would not have been guilty. He begged to call to the mind of the hon. and learned member for Knaresborough what had been said by lord Clarendon of the first earl of Portsmouth, viz. that "finding himself treated less handsomely than he deserved to be, he became less careful to avoid such conduct as deserved slight treatment." And the same remark might perhaps be made, with reference to the allied sovereigns. At all events, before any attempt was made to stir up ill feeling, and excite insurrection, those who wished to make such an attempt ought to consider, whether they could do more for those persons on whose passions they wished to work, than to give them a dinner, a few toasts, a certain portion of violent speeches, some five or six thousand pounds, and an inefficient vote in that House. This, he believed, was all that had been done for a people, many of whom were now driven into a miserable exile. He was friendly to the present bill, because he thought that, in matters at all connected with foreign policy, it was more necessary to give extended powers to the government, whatever it might be, than in cases of an ordinary nature. From its superior information, and its more complete acquaintance with the foreign relations of a country, it was fitting that greater powers should be given to a government, with reference to any measure that bore upon its foreign policy, than in any other case whatever. Seeing the state of Europe at the present moment, recollecting that some individuals had thought proper to interfere with the internal concerns of foreign states—recollecting what had fallen from the right hon. secretary for foreign affairs, as to the policy which the cabinet of England wished to pursue—and recollecting that there was an evident disposision on the part of some persons in this country to mix themselves up with the affairs of foreign powers—a disposition he doubted not, which arose from the noblest motive, from the warm love which Englishmen bore to liberty, from that superabundance of talent and activity which so eminently distinguished this country—a disposition which he admitted to be praiseworthy, but which was not therefore the less dangerous, the less embarrassing to this country, or the less offensive to foreign powers—feeling very strongly on these points, he should vote for the bill as a proper and necessary measure. He did so the more readily, because he believed that the right hon. secretary of state for the foreign department would never countenance any act that was calculated to tarnish the honour of the country; and that he would be as far from giving up any principle which appeared to be beneficial to mankind, as any minister that had ever gone before him.

Lord *John Russell* said, it was with extreme surprise he had heard the speech of his hon. friend: because the whole tenor of that address had been totally hostile to the spirit of the British constitution, and utterly subversive of that freedom of speech which they ranked amongst their most valued privileges. They were told by his hon. friend, that those who spoke of the Holy Alliance, or of the allied sovereigns, ought to speak of them in measured terms. They were told, that it was not wise to offend them; and that personal remarks might produce unpleasant consequences. But his hon. friend, who thought it not right to insult those who were at the head of armies, had felt no compunction in blaming the unfortunate Spaniards, who were now reduced to a state of misery and distress, which ought to have excited commiseration, if not a nobler feeling. He would ask whether there was any man in that House who believed that the indignation of the Spaniards against their government had been roused by violent speeches uttered in or out of this House? And yet, his hon. friend had represented such to be the way in which the Spaniards had been excited to insurrection. Such a representation was a complete perversion of the fact. He had lately had an opportunity of conversing with one of the most eloquent and illustrious of the Spanish lovers of liberty, who had made some observations on the subject, that must have produced an impression on the heart of every generous man who had heard him. That noble individual had said, that he and his friends had not been incited to those efforts, unhappily frustrated, by any thing that had recently occurred in the world; that they had not been incited to them by the occurrences of the French Revolution, or by the publications of Mirabeau and the other French philosophers; but that it was the speeches made in the good old times of the English House of Commons which had produced so powerful an effect on their minds, that they could not help endeavouring to realize for their own country the benefits which they found were enjoyed by this. His hon. friend had tauntingly asked, "What good do your dinners and your gifts do to the Spaniards?" He would answer, "We would do more if we could. What, however, we have done has not been done with the intent to excite insurrection, or to produce a revolutionary war; but as a testimony that there are still some hearts among the people of England, who cherish the love of liberty, in common with all the free souls scattered over the face of the earth." Thus much he would say in defence of those who were accused for what they had done in respect to Spain, and for what they had said against the Holy Alliance. He wished now to address himself briefly to the question before the House. Allusion had been made by the right hon. president of the Board of Controul to the events of the year 1793, when our own constitution was threatened, and when, in support of that constitution, the Alien act was passed. In 1816, though the same case could not be made out for adopting strong measures, yet it might be said, and it was said by lord Londonderry, in defence of the bill, that the revolutionary spirit was not extinguished, and that it would be improper to part with the anchor which had secured us from the storm. The bill, however, was only renewed for two years at that time; which proved that it was only intended for a temporary purpose. It was what was termed in law "an exception" to the general policy of the country. It was supported on the ground of emergency. Now, he would try the present bill on this principle of emergency. How was the country situated at the present moment? She was in a state of profound peace. The government of France, which was said to have wanted support in 1816, was now perfectly established; and Spain had fallen before the Holy Allies. Yet, the right hon. the president of the Board of Controul, who opposed the bill in 1816, actually finds reasons for supporting the measure in 1824! But, it was contended by the right hon. secretary of state, that although the bill might not be called for by our domestic situation, it was required by the sense of what was due to foreign states. The right hon. gentleman argued, that we ought not to allow this country to be the focus of continental revolution: that we ought not to allow plots and conspiracies against foreign governments to be concocted in this country by foreigners. But, how would this bill operate to prevent them? Did the right hon. gentleman, whose mildness in the exercise of the functions with which he was invested no one admired more than he did, order spies to be set upon all foreigners coming into this country? If so, it was a most intolerable tyranny. But he was sure the right hon. gentleman did no such thing: he was sure the right hon. gentleman abstained from all interference with private affairs; he was sure the right hon. gentleman would not order a police officer to watch whither the carriage of a foreigner was driven in the evening, or who called to ask him how he did in the morning. To all this, he was sure, the right hon. gentleman would never descend. But if he did not, how could any imputed plots be detected? And see the state into which things might thus be thrown. The right hon. gentleman maintained that the English government were bound to declare to foreign governments, that no conspiracy, menacing their safety, existed in this country. But should such a conspiracy be discovered by those foreign powers, they would, according to the right hon. gentleman have a right to reproach the English government for not having informed them of it, and to make the omission a subject not only of remonstrance, but of war. The French government, when it collected any information, might say, "We have been apprised, through our own channels, that certain revolutionary conversations have taken place in coffee-houses, but you never informed us of them : what is the use, then, of cajoling us with your Alien act ?" By passing this bill, they did, in fact, give foreign powers an opportunity of interfering in the concerns of this country by calling them to act up, not merely to the specified, but to the implied powers which it contained. The provisions of this bill invested the government with an absolute power, and such a power he detested. He knew it might be said, that the free spirit of this country would prevent that power from being abused ; but he feared, on the other hand, that such laws were calculated to corrupt and destroy the free institutions of our free constitution.

Mr. *Pelham* spoke in favour of the measure, and maintained, that very injurious consequences would have resulted if the Alien bill had not been in existence during the late war.

Mr. *Hutchinson* said, he could not allow the House to divide until he had answered some of the observations of the hon. member for Hertfordshire. Until that night he had not imagined that the House of Commons was so humbled that any hon. member, especially an hon. member who represented a county, and called himself independent, would have had the hardihood to rise in his place and read a lecture to the House, because, forsooth, many of its members had, for years past, felt it their duty to use the strongest language which they could command, in reprobation of the miscalled Holy Alliance, for the perfect iniquity of their hostility against the liberties of mankind. He, with others, had again and again raised his voice as high as he could in reprobation of their acts ; and, if he could command the talents of the hon. member for Hertfordshire—talents which the hon. member had that night abused—he would devote those talents solely to their reprobation. No language could possibly be too strong, when speaking of the conduct of the continental sovereigns. He repeated, that if the hon. member would lend him his eloquence, he would instantly apply it in their reprobation. Although he, and those who thought with him on the subject, had not found the House of Commons to go the full length of their condemnation of the conduct of the Holy Alliance, he hoped they were not so mean and so subjugated as to receive the hon. gentleman's lecture with submission. He could not help thinking that the hon. gentleman would have to account to his constituents for his speech that night. Would the hon. gentleman say, that there was nothing in the war which France last year made on Spain to call down the execration of every lover of liberty ? Did the hon. gentleman forget what had been said on that occasion by members on the ministerial benches, both in that and in the other House of parliament ? Had any language which had been used on the opposition side of the House been stronger than that to which he now alluded. The hon. gentleman therefore, had lectured both sides of the House. Was not the conduct of France towards Spain such as to call for the curses of the friends of liberty ? Would the hon. member lecture those who reprehended that conduct.

Mr. *W. Lamb* spoke to order. He said, he had distinctly reprobated the conduct of France towards Spain.

Mr. *Hutchinson* resumed. He would only say, that his impression had been this—that he should have left the House a disgraced man, if he had left it without joining his noble friend in reprobating the comments which the hon. gentleman had applied to the sentiments expressed by those who condemned the late war, and who, he trusted in his heart, would continue to condemn it. But was the hon. gentleman so infatuated as to think that matters could remain as they stood at present ? Though Spain was prostrate now, was it likely that she would lie prostrate long ? And if she did, was there any safety, any hope, for the liberties of England ? The hon. gentleman spoke of strong language. He (Mr. H.) had used as strong epithets in speaking of the conduct of the Holy Alliance as any member of the House. He desired to be considered, at the then moment, as repeating every one of them ; and he only forbore to repeat them from a consideration for the valuable time which he was occupying. He had over and over again called them tyrants, and he now called them tyrants once more. The present bill should have his opposition in every stage ; because he considered it unnecessary to the protection of this country. It was, in fact, a part of that system of tyranny which the Holy Alliance exerted all their influence and power to promote. Though there might be periods when the government of this country ought to be intrusted with such powers, the present was not the time in which any man who wished well to the cause of liberty could desire it. In the present state of the world, when people were driven from their homes by the persecution of despots, England was the place to which they should naturally look for shelter and security. To pass this bill would be to repel them, to refuse them the rights of hospitality, and thereby to further the projects of tyranny. Nor could it be fairly said, that the power created by the bill had never been abused by ministers. How could it be so said, when they remembered the cases of general Gourgaud, of madame Montholon, and of Buonaparte's Italian physician? Madame Montholon, it was well known, had been refused to land with her sick child, who, if he was rightly informed, died before they could reach the opposite shore. The Italian physician had been refused in the same way, though he was sick; and, instead of being sent, as he requested, to the south of Europe, in consequence of the state of his health, he was ordered to the north, under the provisions of the Alien bill. But, whether the power had been abused or not, it was enough for him to know that it was capable of abuse, in order to justify his determination to refuse it; and he trusted that the majority of the House would be of the same opinion.

Mr. *Warre* said, he was not prepared to vote for the resolution of the hon. member for Westminster, though he concurred with his noble friend, in the regret he had expressed at that part of the speech of the hon. member for Hertfordshire, which alluded to what he had called the democratic party in Europe. He would ask the hon. gentleman, whether it was not that very democratic party which had given spirit and efficiency to the army of Europe in 1813, and to the series of exploits which led to the fall of Paris? He would further appeal to facts, whether the democratic spirit had taken the mischievous turn ascribed to it, until the allied sovereigns had manifested a disposition to break faith with the people to whose energies they had been indebted for victory? If the hon. gentleman wanted historical facts, he would refer him to the edicts of Prussia, in which the divine right of kings had been openly asserted, and to the manifestoes of the combined sovereigns, in which the same principle had been as openly avowed. The barbarous murder of the German writer he was as far from approving as any man, but it was a contest of extreme principle between the popular and the sovereign parties; and he was persuaded that, if the combined sovereigns had shewn a disposition to maintain their pledges, and preserve good faith with the people, Europe would not since have exhibited, either the violence of anarchy, or the "dread repose" of despotism.

Lord *Althorp* maintained, that nothing but the most urgent necessity could justify the House in granting such a power to his majesty's ministers, as was given by the provisions of this bill. The speech of the right hon. secretary, was an answer to what had been stated on a former occasion, and what he seemed to think was likely to be repeated on the present. But what reason had the right hon. gentleman assigned for bringing forward the measure now? Merely that the secretary for foreign affairs might prevent plots from being formed in this country against foreign governments. The sole ground, therefore, upon which the House was required to legislate, was the danger to which foreign countries might otherwise be exposed. But if the law, as it stood, was not sufficient to prevent such plots, why did not ministers bring in a bill to remedy the defects of the existing law, instead of claiming to be invested with arbitrary power? That would have been the constitutional mode of proceeding. He should vote certainly against the bill, and for the amendment, if it was pressed to a division; although he confessed he would rather it had not been proposed. He agreed in the spirit of the amendment entirely; but he thought that some members might be inimical to it, who nevertheless were disposed to give their votes against the general measure. For this reason, he could rather have wished that the hon. member for Westminster had been contented to record his opinion of the conduct of the Holy Alliance in some later stage of the bill, and suffered the short question of "Ay, or no," to be put in the beginning.

Mr. Secretary *Peel* said, he should not avail himself to any extent of the privilege of reply. There were now two questions before the House: his own proposition for leave to bring in the bill as already described, and the amendment of the hon. member for Westminster. The hon. gentleman had described the Alien act as a disgrace to the Statute-book, and had called upon the House to concur with him in that opinion. The hon. gentleman himself might so consider it, but it was rather too much to expect that the House, by whose authority it was placed on the Statute-book, should so stigmatize a measure which they had sanctioned with their approbation. The hon. gentleman had also called upon them to express their abhorrence of the conduct of the Holy Alliance—another suggestion in which he was confident they would not concur, as it would amount to little less than a declaration of war. But, not content with making general remarks on the conduct and policy of the administration, he, the hon. member, had further proceeded to erect himself into a severe verbal critic, taking some words which had escaped from him (Mr. Peel) as the subject of his animadversion. Now it must be obvious to the House, that in the warmth of debate many expressions escape from members, and from none more frequently than from himself, which, in their cooler judgments they would not be willing to adopt. He was not prepared to defend the strict grammatical propriety of every word he made use of, and therefore he would not refuse the corrections with which the hon. gentleman might be disposed to favour him. The first complaint of the hon. gentleman was directed against the expression "mathematical demonstration." He was not aware that, in the ordinary acceptation of language, there was any gross impropriety in making use of such a phrase, but if, as the hon. gentleman seemed to think, there was any thing ungrammatical or inelegant in the combination, it was far from his wish to contest the point. The hon. member's next complaint was against the expression "permanent emergency" which he had made use of two years ago. The hon. gentleman had, however admitted, that he was privileged to make such mistakes, as he had been six years connected with the government of Ireland. Now it so happened, that the hon. member, in his speech of the present evening, had himself made a similar mistake, and, what was worse, without being entitled to take advantage of the same excuse; for the hon. member had accused him of having tumbled headlong into a pit, which was already filled with the carcasses of those who had preceded him [hear and a laugh]. The noble lord had said, that the only object of the bill was to prevent plots against other powers. This was a mistake. He proposed it with a view to English interests alone, nor did he think it too much to require from those who sought refuge in this country, that they should not make its metropolis the scene of plots against foreign powers with whom we were in amity.

The House divided: For Mr. Hobhouse's amendment 70. Against it 131. Majority 61.

List of the Minority.

Allen, J. H.
Althorp, visc.
Anson, hon. G.
Barrett, S. M.
Benyon, B.
Bernal, R.
Calcraft, J. H.
Calvert, C.
Calvert, N.
Campbell, hon. G. P.
Cavendish, H.
Clifton, lord
Cradock, S.
Crompton, S.
Denison, J.
Duncannon, visc.
Ellice, E.
Evans, W.
Ellis, hon. G. A.
Gaskell, B.
Graham, S.
Haldimand, W.
Hume, J.
Hutchinson, hon. C. H.
James, W.
Jervoise, G. P.
Jones, S.
Kennedy, T. F.
Lamb, hon. G.
Lambton, T. G.
Lennard, T. B.
Lloyd, sir E.
Lushington, Dr.
Leader, W.
Macdonald, S.
Mackintosh, sir J.
Majoribanks, S.
Monck, T. B.
Moore, P.
Newport, sir J.
Nugent, lord
Ord, W.
Palmer, C.
Palmer, C. F.
Pelham, S. C.
Philips, G. jun.
Powlett, hon. W.
Pym, F.
Rice, T. S.
Ridley, sir M. W.
Robarts, G.
Robinson, sir G.
Rowley, sir W.
Rumbold, C. E.
Scott, J.
Sefton, earl of
Smith, R.
Sykes, D.
Tierney, right hon. G.
Warre, J. A.
Western, C. C.
Whitbread, W.
Whitbread, S. C.
Wilkins, W.
Williams, W.
Williams, T. P.
Wilson, sir R.
Wrottesley, sir J.

TELLERS.

Hobhouse, J. C.
Russell, lord, J.

PAIRED OFF

Abercromby, hon. J.
Lemon, sir W.

A second division took place on the original motion: Ayes 130. Noes 73. Majority 57. Leave was accordingly given to bring in the bill.

Mr. *Hume* protested against the principle which seemed now about to be established, of driving from the country every unfortunate individual who might happen to have incurred danger by too eager a defence of the liberties of his own country; and against the government, by this means, making themselves parties to the odious and abominable views of the military tyrants of Europe, in their anxiety to extirpate every thing liberal and enlightened. He was quite surprised to hear Englishmen who had received the education of gentlemen, talk as the hon. member for Hertfordshire had done, of men whose only crime was that of being pursued by tyranny and oppression. There were acts of parliament in this country, which prevented, in some measure, free discussion out of doors; but as long as the privilege of speaking their sentiments was reserved to the members of that House, he should think no language strong enough to apply to the conduct of the Holy Alliance, of those military tyrants of the continent, who, not satisfied with exercising despotism in their own countries, extended their power to Switzerland, and other territories. In their career, they had violated the rights of nations, and held nothing sacred on earth. It was impossible for him to be a party to this bill, when he knew that it had been enacted according to their wishes? that it was passed in consequence of repeated applications which they had made to us; and that its intention was, to deprive their subjects of the last asylum they possessed in Europe. He had heard the remarks of the hon. member for Hertfordshire with deep regret, and almost wondered at what he could mean by blaming those who assisted the Spaniards for exciting discontent and rebellion against the sovereign of their own country. Did that hon. member not know, that the constitutional system was the system under which Spain had before been ruled—that the Spanish constitution, which recognized the common and inalienable rights of the people, had been allowed by the sovereign, recognized by the powers of Europe in alliance, and approved by a succession of ministers in this country. And, if the hon. member knew all this, would he persist in blaming the Opposition for supporting, what he called the designs of a faction, and say, that those designs ought to be put down as dangerous to the European communities? He blushed to think that any English gentleman could allow himself to apply this language to the noble-minded Spaniards who had ventured their lives and fortunes, with a view to establish permanently the liberties of their country. As to his deprecation of the terms applied to the Holy Alliance, such deprecation was a misapplication of all the notions of constitutional liberty, which an English gentleman, from the course of education, must be supposed to imbibe. He did not complain of those who were ready to vote for the bill, so much as he complained of the want of all assignable reasons to countenance the passing of the bill. Ministers had offered none whatever, though the hon. member for Hertfordshire had contrived to give them one. Did that hon. member ever know any ministers who did not wish for more power than they possessed; or who were ready to give up any portion of any power they had once acquired? The hon. member was afraid that without this odious bill, the ministers would have no power to provide for the security of the country; and that possessing it, they would not abuse it. He (Mr. H.) said, as a general principle, give no more power to ministers than is necessary, because all power may be abused. He could see no circumstance whatever, which should at present induce the House to entrust the ministers with any extraordinary power. He would maintain, that all strangers had a right to remain in this country, as long as they were obedient to its laws. We had no right, neither was it just in us, to prevent them from taking any measures not inconsistent with an obedience to those laws, to regain that liberty of which they had been deprived by the continental tyrants. Nothing in the conduct of his majesty's present government had disappointed him more than this measure. He had expected better things, from the accession of the right hon. the foreign secretary, whose influence was supposed to prevail in the cabinet. Perhaps he had mistaken the character of the right hon. gentleman; but, supposing him to possess those sentiments for which he gave him credit, he would put it to him to say whether this bill was congenial with the British constitution, which opened its gates to all men; and, the more unfortunate they were, the better they were received. He did think that, as a very material change had been brought about in our foreign policy, the right hon. secretary was bound to explain his views with regard to this bill. He was aware that it was to be passed but for a limited period, and that upon avowedly special reasons. He hoped the right hon. gentleman would outlive the next, as he had done the preceding terms for which it had passed; but, in the meantime, let him state his own view of the case. What was there in the public circumstances, either at home or abroad, which could render the passing of the bill necessary at this juncture? Would the right hon. gentleman declare that it was congenial to that constitution which he had described as the pride and envy of the world? Was it consistent with the practice of the constitution, as it was known to have existed from the revolution downwards? If not, why should it now be admitted into practice? The House had a right to expect a decided explanation of the grounds upon which the right hon. gentleman, as a minister who had distinguished himself by an alteration in our foreign policy, called for the renewal of this measure, so disparaging to the character of the country. He would refuse his assent if the right hon. gentleman, would not clearly explain what there was in the state of Europe to make the passing of this bill necessary [Coughing, and cries of "question"]. He was sorry to detain gentlemen, who came down there for a specific purpose, and who were anxious to get away; but, if the hon. members did not permit him to finish, he should be compelled to begin with the first statement of the first speaker, and go through all the speeches. As to those gentlemen who were affected with coughing, he was afraid their healths would suffer, and that the disease might become epidemic; he would therefore recommend them to go home to their beds. The hon. member then repeated his wish that Mr. Secretary Canning would state to the House his reasons for now departing from that more liberal course of policy which he had adopted, and which had gained him the confidence of the House; that, if he were now about to change it, the House might know that their confidence would no longer be rightly placed. Another right hon. member had changed his opinions on this subject in a remarkable manner, since the year 1816. For this change he could see no sufficient reason. Certainly, the arguments he had stated that night were no defence of this measure, and he therefore conceived, that there was no other reason for this change, but the different place which the right hon. member occupied then and now, in that House. Then he was only an expectant of office; now, he, the right hon. gentleman, was in possession; and this seemed to be the only reason for the wonderful change in the right hon. gentleman's opinion. He cared little for what that right hon. gentleman might state, and nothing for what the secretary of state for the home department might say; but he wished to hear the opinion of the secretary for foreign affairs. He had some dependence on him, and he desired to learn, from his own lips, if he, and the rest of his majesty's ministers, were worthy of the confidence which the House had pledged itself by the motion of the hon member for Staffordshire, to repose in them. He wished particularly that the right hon. secretary should state to the House, whether that was likely to be the last time that this bill would be asked for. There was no longer any grounds for this bill, if, as the right hon. gentleman had given the House to understand, we were no longer attached to the policy of foreign countries. He trusted the right hon. gentleman would oblige him, and the House. He had always heard the right hon. gentleman with pleasure, even when he spoke on subjects of reform, and defended the measures of government. Sitting, as he now was, with his right hon. friend the secretary of state for the home department on his right hand, and the right hon. the president of the Board of Controul on his left, it was impossible for the House to judge with which of the two he agreed. A cabinet divided against itself could not stand. How far were ministers agreed upon the expediency or necessity of this measure? To get at an answer he would conclude by moving, "That the bill be read a first time this day six months."

Mr. Secretary *Canning* said, that the hon. gentleman had such a winning way, that notwithstanding temporary indisposition which oppressed him, and the determination he had formed, he could not refrain from rising in answer to his solicitations. He did not intend to detain the House at present, but would save himself for the next stage of the bill, at which time he would express his opinions respecting it more at large. But, for the satisfaction of the hon. gentleman, he would say, that, under present circumstances, and especially with that modification which had been introduced into the bill by his right hon. friend respecting it, he did think this bill ought to pass. As for the principle which had been brought into debate; namely, the right of governments to settle the conditions of residence to be allowed or refused to foreigners, he would wave the discussion of it until the next stage. He would, however, just remark that, whether that power were ancient or modern in the practice of the constitution—whether inherent in the prerogative of the Crown, or conveyed by statute, it was monstrous to deny, that the power of regulating or refusing the residence of aliens must abide somewhere in the constitution—either in the executive by inherent prerogative, or in the legislature, to be placed, as occasion might require, at the discretion of the executive government. How it should be exercised, or in what hands it ought for a continuance to be placed, he admitted to be a question of very nice discussion. But, to say that there was any nation on the face of the earth without the power of preventing the settlement of aliens, was to say that there existed a nation stripped of all its natural rights. The question might arise, as to the liberal or strict exercise of that power. He had no difficulty in saying, that the use of such a power ought to be of as liberal extent as was consistent with safety at home, and the duties by which they were bound to states abroad. In the usual course of human events, it could not be denied that cases might arise in which such extraordinary powers as were conferred by this bill might be necessary. Such a state of circumstances could not be permanent, and must pass away. A crisis of this kind had existed in this country, and it had not yet wholly passed away. When that time should come, no person would more gladly than himself allow this bill to sink into oblivion. In what he had now said, he did not know whether he had complied with the wish of the hon. member; but when he had more strength he would, in some future stage of the bill, take an opportunity of stating to the House his reasons for thinking it necessary.

The House then divided: For the amendment 69; against it 129; Majority 60. The bill was then read a first time.

Westminster Hall—New Courts.] Mr. *Bankes*, rose, to move for a committee to inquire into the state of the Courts now erecting in Westminster hall. Whoever brought forward a proposition in parliament, was bound, not only to support his own reasons, but to anticipate those of his opponents. In the first place, the present was only a motion to inquire. If the objections which he took to the taste and order of those buildings should not be supported by the opinions of the committee, the House would hear no more of them. He justified his earnestness on behalf of the style of public buildings, by the honour and renown which had accrued to small cities by one or two well-proportioned and judiciously decorated buildings. If the committee which he asked for were granted, it would not incur any considerable expense. He was quite aware how material it was that courts of justice should be provided with as little delay as possible, and he thought that the committee would have no difficulty in finding a site for their erection on the other side of Westminster hall, where a number of old buildings stood, and where the Exchequer-office was at present. He would conclude by moving, that the estimate and plan which had been laid before the House should be referred to a committee to examine the same, and to report such observations thereon to the House as they should think fit.

Mr. *Agar Ellis* seconded the motion.

The *Chancellor of the Exchequer*, said, he found himself on the present occasion in rather a novel situation. It was usually his lot to have to propose to the House the expenditure of the public money; but now it became his duty to state the reasons for not thinking it expedient to acquiesce in the motion which had been made by his hon. friend. In the first place, he thought the individual by whom the building was executed had been severely dealt with. That gentleman had been called upon to furnish a design, and to carry it into effect, under circumstances which left him little latitude for the display of his taste. It would be remembered, that some years ago, the decoration of the metropolis was not contemplated by the House. Even upon the occasion of a vote for the purchase of that magnificent collection of the remains of ancient art, which was now confessed to be one of the most splendid and valuable ornaments of the country, great opposition was manifested. It was said, that the burthens of the people should be relieved, before the public money should be applied to any such purposes. That feeling had by no means ceased to operate, when the design for the new courts was ordered, and it was therefore too much to assume that either the government, or the individual by whom the design was made, were to be blamed for what had been done under circumstances which prevented them from following their own inclinations or the dictates of good taste. As the buildings, too, were wanted for a purpose connected with the administration of justice, it was expedient that no time should be lost, and, although he was very ready to admit, that if they had been continued on each side of Westminster hall, instead of on one only, they would have been in better taste, he knew also that this would have occasioned great delay. The delay which had necessarily taken place, had been much complained of by the profession. In the session before the last, his right hon. friend, who then occupied his office, and in the last session he himself, had been exposed to a formidable battery, which the members of the profession had opened upon them respecting those buildings. He remembered that his hon. friend the solicitor-general and the member for Winchelsea, had complained of the general inconvenience which that delay occasioned. With respect, however, to the individuals concerned in the works, colonel Stephenson and Mr. Soane, he was compelled to say, that they had really acted with their hands tied. It would be very hard on the latter gentleman, who was an architect, to have brought down upon him, in his professional character, the whole weight of the censure of that House. He could not, under a full impression of what he felt due to the public interest, consent to go into a committee, having for its object to consider the propriety of pulling down buildings which were now so near their completion. He feared also, that the removal of the one excrescence would only lead to the creation of another. These were the grounds on which he felt himself bound to oppose the motion of his hon. friend He should, however, leave the question to be dealt with by the House as it should think fit. He appreciated fully the liberal spirit which parliament had displayed in the embellishment of the metropolis; but he thought he should not have discharged his duty, if he had omitted to state his disapproval of the measure proposed.

Mr. *G. Bankes*, wished it to be understood, that in voting for the appointment of a committee, he had no intention of casting the slightest imputation upon the professional character of Mr. Soane. Having lived for a considerable time in foreign countries, he was occasionally called upon to shew the public buildings of the metropolis to foreign visitors. In inspecting Westminster hall, he was frequently asked —"who erected this part; and "who the other?" To these questions he answered, William Rufus did this, Henry the third that, and Richard the second the other; but, when significantly asked as to these additions, he answered with regret, but with an omission of the names.

Sir *James Mackintosh* rose for the purpose of vindicating his legal friends from the charge of impatience which had been made against them by the right hon. gentleman. They had only expressed a desire, that the buildings should be completed for the public convenience. The explanation of the right hon. gentleman had been most satisfactory to him; because it enabled him to give his vote without conveying any imputation on the gentlemen who had been concerned in the buildings alluded to,

Mr. *W. Williams* thought it was possible to find a convenient place for the erection of courts of law, closely adjoining Westminster-hall which would also do away with the right hon. gentleman's objection.

Lord *G. Cavendish* was of opinion, that the mere circumstance, admitted on all sides, that the buildings were not approved of, was sufficient to induce the House to enter into the proposed inquiry, not, however, pledging themselves to go any further.

Mr. *Hume* hoped that this good at least would spring out of the question before the House—that a rule would be adopted in future, by which no public buildings should be commenced until they had been submitted to a committee of the House. In the present state of the buildings, he did not think it would be prudent to pull them down, because, if once the House began to pull down buildings that were not in good taste, they ought to do the same by the front of the House of Lords; and no one knew where they would stop. With regard to Mr. Soane, it was agreed by all who knew him, that he was a sincere lover of the arts. His public and private reputation were highly honourable; and he therefore regretted that imputations should have been cast upon him. If this motion were pressed to a division, he should certainly vote with the chancellor of the Exchequer against the committee.

Sir *C. Long* said, he had long been acquainted with Mr. Soane, who, in his profession, was a man of great merit indeed. All persons differed in matters of taste;

but, in the execution of any of his undertakings, no man was more laboriously attentive. He objected to the style of his buildings, and would have preferred to have seen them in unison with the beautiful Gothic style of Westminster-hall, which should have been like the aisle of a large cathedral, while the courts might have formed small chapels around it. Whether, however, the present buildings should be pulled down, was quite another question; and the affirmative of this he was not prepared to support.

Colonel *Trench* insisted, that the building in question was odious and obnoxious, and for this reason he would support the motion.

The House divided: For the committee 43; Against it 30. A committee was accordingly appointed.

HOUSE OF LORDS.

Wednesday, March 24.

Monopoly of Tea—East India Company.] Lord *Clifden* presented a petition from a parish in Wiltshire, for the abolition of slavery, which he stated was signed by all the inhabitants, some of the clergy excepted. The noble lord said, he concurred in the object of the petition, which was, to bring about the cultivation of sugar by free labour; and, as sugar was germane to tea, he took that opportunity of adverting to the enormous enhancement of the price of the latter necessary of life. The extortion occasioned by the monopoly of the East-India Company had been well exposed in the last number of the Edinburgh Review, and he hoped that Mr. Hume, or some other active member of the House of Commons, would speedily take up the subject, and bring it before the notice of parliament.

HOUSE OF LORDS.

Thursday, March 25.

Irish Tithes.] Lord *Clifden* said, he had several petitions to present against the Irish Tithe Composition Act, and all those petitions concurred in one point, that of objecting to any compulsory clause. He might, perhaps, on this subject be permitted to say a few words to their lordships, as he it was who last year had proposed a compulsory clause; and he was now most happy that, on that clause, he had been defeated. The averages, as he had before stated to their lordships, had been fixed much too high by the bill, and if the compulsory clause had passed, its operation would have been dreadful. Tithes, he thought, were a necessary evil; at least, some mode was requisite for paying the clergy, and, therefore, the levying them should be made as little disagreeable as possible. His lordship then presented a petition from Durragh, in the county of Limerick, which, among other things, complained of the rector of that parish not living in it, and that the parish reaped no benefit from his exertions; a petition from another parish, which set forth that the church was in ruins, and the parishioners had no benefit from the clergyman they were obliged to pay; and a petition from Kilderry, in the county of Cork, also against any compulsory clause. This was a very old town, and it had also only the ruins of a church.

The Earl of *Kingston* presented a petition from the parish of Bregaun, against introducing any compulsory clause into the bill; and also a petition from Balleyloch, in the county of Cork, on the same subject. On the question having been there agitated, a meeting of the vestry had been called to take the composition for tithes into consideration. Dr. Woodward, the rector of the parish, had demanded 2,000*l.*, which was considerably more than the parish had averaged for five years, and it was thought that the people were under no necessity to pay more than the average. It had, indeed, been stated, that the doctor had made an offer of taking 1,600*l.*, but he (lord K.), who was present in the vestry-room, had heard no such offer. In 1809, the reverend doctor had let the tithes for 1,600*l.*, and the persons who had hired them of him lost 300*l.* by the business. Of course, therefore, the proposition of Dr. Woodward to accept 2,000*l.* was rejected. The parish necessarily objected to pay more than the tithes were worth, and the year that Dr. Woodward let them they only netted 1,400*l.* The reverend doctor, was not more moderate than the people who brought forward the bill; and who seemed to have had an idea of enriching the clergy at the expense of the landlords. So thought Dr. Woodward, and because his proposition was not acceded to, he had appointed to the parish the most rapacious tithe-proctor in the whole kingdom, who was known by the name of "the cruel Delaney."

The Bishop of *Limerick* said, he held in his hand a letter, the contents of which obliged him to think, that the statements made in the petition just read were erroneous. He did not mean to say that the noble lord who presented the petition had any intention to misrepresent the facts of the case; but, from a long knowledge of Dr. Woodward, he was sure that he would not state, nor authorize him (the Bishop) to state, any thing which was not a matter of fact. There was a fallacy in bringing forward 1809 as a standard by which to estimate the value of the parish. That was the first year Dr. Woodward went to reside there, and it was proposed to him by his neighbour, Mr. Montgomery, on behalf of the parishioners, that the doctor should accede to a scheme unheard of before that time in the South of Ireland, and unprecedented throughout the whole of Munster; and this scheme was, to assess the tithes by three farmers of the different town-lands, and each farmer was to pay him his proportion of the town-lands in which he resided, so as to make up the sum of 1,600*l.* In consequence, however, of this unusual mode of levying tithes, many of them could not be recovered, and consequently the scheme was a failure. Dr. Woodward was able to prove, that the average of the parish, according to the rate fixed by the act of last session, was upwards of 2,000*l.* per year; and, though he had a right to this sum, he had expressed his readiness, at the meeting of the vestry, to accept of 1,600*l.* The noble lord had stated, that he did not hear this proposition. This might be the case, for many things were said daily in his own presence, which he did not hear. The right rev. prelate then read an extract from Dr. Woodward's letter, corroborating what he himself had stated. He afterwards referred to some statements made by a general Barry, which were at variance with one another; and observed, that he did not know whether he was to take the statement of the general as churchwarden, or in his other capacity, as most correct; but, in his character of landowner, he had an interest in the business. It had been a matter of regret with him, for years, to know that individuals were, as in this case, accused where they had no opportunity of defending themselves. As long as he had the honour of possessing a seat in that House, he would protest against such a proceeding, as contrary to the principles of the British constitution, and dangerous in practice. It was sapping the foundation of that constitution, in the very place where the laws were made, and where they ought to be held most sacred. He would wish noble lords to take care, that charges which they brought forward against persons who could not defend themselves in that place, were well grounded. The accusation in the present case was particularly unjust; for a more pious, mild, and assiduous clergyman than Dr. Woodward, was not to be found. His upright and gentle conduct had secured him the affection of the poor; and, if the people of his own parish were called to give evidence respecting this rector, they would say, that they never had a more worthy clergyman among them. The question of the composition would have been settled without difficulty, if it had not been for persons who were interested in resisting the arrangement, and who wished to throw the great burthen of the tithes on the poor, instead of placing it on the shoulders of the landlords, where it ought to be laid.

The Earl of *Kingston* hoped he should be permitted to say a few words, in reply to what had fallen from the right rev. prelate. He was not surprised at the manner in which the right reverend prelate had taken up this subject, as he was confident no act had ever passed that House, which the clergy liked better than this tithe-composition act. It had had the effect of producing a great addition to the income of the church; and that, indeed, not at the expense of the farmer, or of all classes generally, but solely at that of the landlords. On them the whole burthen fell. In consequence of this act, he had now to pay 168*l.* in tithes for his grounds. He had stated the circumstances which occurred at the vestry, some of which the right rev. prelate contradicted on the authority of Dr. Woodward's letter. The right reverend prelate was pleased to suppose that he might not have heard the doctor's offer; now, he must say that he was not further from that reverend person than the breadth of their lordships' table, and he would declare on his honour, that he never heard him offer to take 1,600*l.*

The Marquis of *Lansdown* said, he knew nothing whatever of the part of the county, or of the individuals mentioned by the noble lord and the right rev. prelate, nor had he, in fact, any local knowledge whatever to entitle him to offer himself to their lordships' notice on the present occasion. But he was induced to rise, in consequence of what had fallen from the right rev. prelate in the course of his observations. He did this out of no disrespect to that right rev. prelate, for he had the highest respect both for his situation, and for his personal character, which intitled him, he had reason to believe, to respect in his own country; but, he felt it his duty to advert to some of the right rev. prelate's observations. In the course of his remarks he had alluded to the influence exercised by the landowners to prevent a composition for tithes; and the right rev. prelate had stated this, as if it were a blameable use of this influence, and intended to cast the burthens from their own shoulders on those of others. Now, their lordships would remember what had passed on this subject last year. He had then shown, that disputes of this kind would arise, when that just influence to which the parties were entitled was exercised. If it were supposed, that this act was intended to prevent persons from exercising that just influence which the law and the constitution gave them—and God forbid that he should defend any unlawful influence—then it would be one of the most monstrous laws ever passed by a legislative assembly. He would ask their lordships whether they were not aware what the object of the act was? Was it not to divide the burthen equally? He was one who had felt it his duty to point out the intended compulsory measure, as one of the greatest interferences with the right of property ever attempted. To call on persons who held property tithe-free under the authority of an act of parliament (an authority equal to that on which the claim of the church was founded), to part with their property, was, in his opinion, most unreasonable; and so he had at the time stated it to be. The answer given was, that the compulsion, as applied to those persons exclusively, would be unjust; and therefore the means of making effectual resistance was to be given them by a number of votes. On this ground, then, he was warranted in saying, that these persons only exercised a right of voting to which they were legally entitled. Calls might be made on them for sacrifices, and he himself might be disposed to advise such sacrifices; but they were to be made only at their own discretion, and for making them or not, they were accountable solely to themselves. To make individuals in the situation he had described liable to absolute compulsion, would be most unjust; it would be a breach of all the rights of property, and a violation of principle, which their lordships' House, as the chief guardian of property, never could sanction. There were, he hoped, many instances of willingness on the part of proprietors to make sacrifices without any necessity for the exercise of compulsion. He had said this much, because it was most desirable that the arrangement contemplated by the bill should be fairly carried into effect; but he deprecated any thing like partiality, or the appearance of injustice.

The Bishop of *Limerick* said, their lordships must be aware, that he had not taken upon himself to impute any illegality or criminality to those landlords who opposed the arrangement intended by the act of parliament. As to the lawfulness of the opposition, he had nothing to say against it, however questionable its prudence might be. However, he certainly had not meant to say any thing to hurt the feelings of the landed proprietors of Ireland.

Lord *King* said, that after hearing both sides, he could readily believe both what the noble lord had said, and what the right reverend prelate had stated of Dr. Woodward. But, if this conduct had been practised by a person who, according to the right reverend prelate's description, was the *beau ideal* of an Irish parson, what might not be done by the ordinary run of Irish parsons? What had been that night stated in the petition, was well worthy of their lordships' notice. The pulpits had resounded with recommendations to compound; the vestries had exhorted the parishes to compound with the Clergy; and the Clergy had threatened the parishioners, "if you do not compound, we will deliver you into the hands of the lawyers, and the lawyers shall give you up to the tormentors." There was in Ireland, then, a new species of tormentor, brought forward to work on the imaginations of the people. He should like to see as a great curiosity, or as a specimen of natural history worthy of being preserved, this new Gorgon, this modern Chimera, "the cruel Delaney," who was thus employed by the most excellent of the whole of those divines who formed the most admirable of all Churches, the Church of Ireland.

The Earl of *Harrowby* would not follow the observations of the noble lord, but would merely say, that if the Irish tithe proctor was to be brought to the bar, and exhibited there, he hoped he would be accompanied by the stewards of the landlords. As to what had fallen from the noble marquis, he must observe, that in completely exculpating the landlords who assembled at the vestry, from the charge of acting illegally, he had, in the same breath, exculpated the clergyman for proposing to his parishioners the terms he was willing to accept. Whether the terms were unreasonable or not, he was entitled to propose them. The legislature had given to him that right, as well as to the landlords the right of objection. He had always hoped that both parties would concur in carrying the act into effect, for the sake of the peace and tranquillity of the country; but, what he particularly regretted was, that both here and elsewhere, the names and characters of individuals should be made free with, and often when they had nothing to do with the point in discussion. Whether Dr. Woodward asked too little or too much for his tithes, was not a question for their lordships' decision. The House had no concern with it whatever. He called on the House to consider in what a situation they were placed, both as legislators and as gentlemen, in thus judging of individuals in their absence. From his heart he deprecated all such proceedings. He could conceive nothing more cruel or dangerous than thus to signalize individuals. The proctor who had that night been called "the cruel Delaney" would to-morrow go forth in that character to every part of the united kingdom, and being thus stigmatized, might find his life endangered by the opprobium here cast on him. With what feelings could they, as men and as gentlemen, encourage accusations made in this public manner, without the possibility of a public defence? He acquitted the noble earl of any intention to inflict injury on an individual; but he entreated the House to put a stop to so cruel a practice.

Lord *Kingston* admitted that it was wrong to bring forward the names of individuals. It was not he who had christened the tithe proctor, "the cruel Delaney" but the rector himself. The man was too well known in the country where he lived, to receive any injury from any thing which might be said of him in that House. He had some other petitions now which he abstained from presenting, because a noble lord was absent who wished to take part in the discussion they would occasion. It was a general complaint in these petitions; that the rectors opposed the building of churches. He had one petition, which stated, that the rector had strongly opposed the building a church in the parish, although there was none, because it would diminish his income and give him some duty to perform.

The Earl of *Limerick* said, he was president of a most respectable meeting of Irish noblemen and gentlemen, with whom the proposition for the Tithe Composition bill had originated. He had then thought it would be a good measure, and never meant to encourage a mischievous violation of the right of property. If the landowner was not to be free to consent to the composition, and if land, now tithe free, was to be forcibly compelled to pay tithes, there was an end to all justice. Such a proceeding would be tantamount to a dissolution of the Union.

Earl *Grosvenor* expressed his conviction, that the bill could produce no other effect than that of agitating the country, and alluded to the compulsory clause as being peculiarly oppressive and objectionable. It was impossible, he maintained, that the tithe proctor could act in a fair and unprejudiced manner. The very constitution of the bishops' court, forbad it. They had all an interest on the side of the Church; and though he would not now detain their lordships with a description of the manner in which offices were filled in that court, he would remind them, that the judge himself was a clergyman appointed by the bishop, and that all the inferior officers were links of the same chain of dependence.

Lord *Clifden* concurred fully in opinion with the noble earl, as to the constitution of those courts, and the partial character of the tithe proctors. It was a notorious fact, that they always concealed what the value of the tithe was, until the crop was taken off the ground; and then, if the wretched peasant resisted their estimate, he was summoned before the bishops' court, where the churchman and tithe owner was himself both judge and jury. It was a gross imposture to talk of such a proceeding as a measure of justice. The situation of Ireland was particularly grievous in this respect, ground down as she was by the demands of the clergy. There were two church establishments lying heavy on the people of Ireland; and the whole of this tithe system, with all its injustice, was kept up for the support of the Protestant church, though not more than half a million out of a population of seven millions three hundred thousand in that country were Protestants. He would ask the reverend bench of bishops, whether they could defend this—whether they could match it, by any example drawn from the history of the world? Ireland was in a situation similar to that of Scotland before the Revolution. In that country there had been assassinations too. Archbishop Sharp was assassinated; and the people fought up to their knees in blood, in resistance to the church which was imposed upon them. But king William settled the question in Scotland, and that country had since continued in a state of tranquillity and peace. The great misfortune of Ireland was, that she had two churches to maintain. This was a subject to which he had often alluded, and which he thought it his duty continually, he repeated it, to ring in their lordships ears.

Ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, March 25.

SOUTH AMERICAN STATES]. Sir *J. Mackintosh*, in rising to dispose of a notice of a motion which he had caused to be placed on the order-book respecting the States of South America, hoped that the House would allow him to premise a very few sentences. Since he had given notice of his motion, he had heard two important declarations made by the ministers of the Crown. It would be unparliamentary to mention the occasion upon which those declarations were made, the places in which they were made, or the parties from whom they proceeded; and he must therefore be excused for not being more explicit on those points. According, however, to the best of his recollection and understanding, the second of those declarations did expressly state (he did not affect to give the precise words) that any considerable armament from the ports of Spain, during the occupation of that country by the French army, against the South American States would be regarded as not being a Spanish expedition, and consequently as coming within the principle laid down in the closing despatch of the right hon. secretary for foreign affairs to sir Charles Stuart last year. He had no difficulty in stating, that after having well considered that declaration, it had made a great impression on his mind; it had supplied what he had considered an omission; and had explained what had appeared to him to be ambiguous in the papers which had been laid before the House. That declaration had so much narrowed the ground on which any immediate and practical measure could rest, as to render it, in his opinion, very unadvisable at the present moment, to persevere in a motion, which might be understood in Europe, and in America, to imply that the intentions of the British government were mistrusted. Another circumstance had also influenced him, with regard to the determination to which he had come. He had heard, from a quarter which he considered as trustworthy, but which, being of a private nature, did not carry with it the weight of the official character which was attached to the declarations to which he had just alluded, that a great power of the continent had declined to be a party to the threatened congress on the subject of the South American States. He could not say that he had been influenced by the ambiguous language which the ministers of France had thought fit to put into the mouth of their monarch in his late speech; nor, indeed, if the language of that document had been much more explicit, would he have placed the least reliance upon it, when he recollected the striking contrast which existed between the public professions and the secret policy of the French government in the year 1822 and 1823. On account of the circumstances he had mentioned, all of which had occurred since he had given his notice of motion, he now begged leave to withdraw it. He might have postponed it to a future day; but he considered it the fairer and more manly course to withdraw it altogether; still, however, holding ministers responsible for every moment of unnecessary delay in acknowledging the independence of the South American States, and reserving to himself the right of bringing the question forward, if he should see cause hereafter.

Mr. *Canning* hoped he might be allowed to say a few words upon the present occasion, though such a proceeding might not be strictly regular. His hon. and learned friend was, of course, at liberty to make, or to postpone, or to withdraw his motion, as should appear to himself most convenient. If his hon. and learned friend had pressed his motion, he would have extorted from him (Mr. C.) some remarks; and in withdrawing it his hon. and learned friend had afforded him some temptation for entering into discussion. But, he thought he should best consult his duty by abstaining from making any remarks on what his hon. and learned friend had stated. He only wished the House to bear this in mind, that he neither affirmed nor denied the declarations which his hon. friend had stated to have been made elsewhere.

Assessed Taxes—Repeal of the.] Lord Clifton having presented a petition from Canterbury for the repeal of the Assessed Taxes,

Mr. *Maberly* said, that the notice on the subject of these taxes, so generally exclaimed against throughout the country, which he had given for the 29th of April, had been received by the gentlemen on the Treasury bench with a laugh; but he nevertheless begged to be permitted to say a few words on it. The chancellor of the Exchequer had shewn his opinion of the equality of taxation. No sooner had the tax on windows been taken off, than the right hon. gentleman had directed the board of taxes to send their surveyors to report on the real value of houses, which would be equivalent to an increase in the amount of 25 per cent on the House tax. The right hon. gentleman seemed to have been particularly unhappy in his financial propositions for the present year. He seemed to have cast about, how best to throw away the public money. As for the 900,000*l.* expended in churches, palaces, and so forth, the right hon. gentleman had said, that these sources of expenditure would not occur again. But, should he not, before he entered upon that expenditure, and before he gave away 2,700,000*l.* in a most improvident bargain with the Bank, have turned his attention to the prayer of such petitioners as the present? Before gentlemen turned a deaf ear to these petitions, or laughed at the proposition for granting the prayer of them, they should consider what the people had suffered in consequence of those taxes. He hoped he should be able to shew, that public credit might be well supported without them; and he had no doubt it would, ere long, be acknowledged to be absurd to go on buying up three per cents at 95, that had been issued at 50 and 60, and that the whole surplus revenue ought to be applied to the reduction of taxation.

The *Chancellor of the Exchequer* said, he felt himself compelled to say a few words, though certainly not with a view of entering into discussion of any of the various topics which the hon. member had somewhat unseasonably introduced. Of the charge of unmannerly treatment which the hon. gentleman thought proper to bring against him, he was totally unconscious. If there had been any smile on his side of the House, he was unconscious of having participated in it. The smile, if there had been one, was probably excited by the circumstance of the hon. member having selected for his motion a day on which there would be no House; namely, his majesty's birth-day. If the hon. member meant to charge him with having, on this or on any other occasion, shewn any thing like indifference or disrespect in the discussion of any subject connected with the wants or the wishes of the people, it was a charge to which he could not plead guilty. On the contrary, he believed that on every occasion, as well as on that on which the hon. member for Westminster had brought forward his motion, the tone which he had adopted was directly the reverse of that which the hon. member imputed to him. There was not the slightest foundation, in fact, for the charge. As to the notice which the hon. member had taken of the circular letters sent to surveyors from the Tax-office in consequence of instructions transmitted from the Treasury, he had distinctly stated, that the object of the instructions for re-surveying houses was, to afford an opportunity, if the amount of revenue should be raised by a just and equal assessment, to propose a proportional reduction of the tax. His object was, not to screw more money out of the pockets of the people, but, if possible, to save the money of those who were compelled to pay more than they ought to contribute to the revenue, in consequence of an unequal assessment. In this respect, therefore, as well as in that to which he had just adverted, the hon. member had brought a charge against him for which there was not the slightest foundation.

Mr. *Maberly* said, that he did not mean to charge the right hon. gentleman with any disrespectful levity. If, however, the right hon. gentleman meant to say that the conduct of his colleagues was as decorous as his own, he could not assent to such an observation, for he would again assert, that the right hon. gentleman's colleagues on the Treasury bench did laugh on the occasion referred to.

Mr. *Hume* strongly urged the necessity of a repeal of the assessed taxes, as well as a reduction of the duties on silk and wool.

Sir *T. Lethbridge* hoped the chancellor of the Exchequer would take into his serious consideration the propriety of relieving the country from that most burthensome assessment, the window tax. If the right hon. gentleman was determined not to relieve the country by repealing the window tax this session, he begged leave to suggest to him a mode of relieving the country without taking off the tax. What he would suggest to the right hon. gentleman was, that he would allow all windows which had been stopped up, in consequence of this tax, to be opened. This would create a large demand for glass; and would thus give employment to a number of useful and idustrious individuals who were now out of employ, without any way interfering with the financial arrangements of the chancellor of the Exchequer.

Mr. *N. Calvert* thought those taxes most objectionable which affected the price of labour, such as the taxes on malt, coals, and candles. If these taxes added 2*s.* a week to the expenses of the poor man, they made the price of labour dearer in that proportion.

Sir *Joseph Yorke* said, that if his hon. friend would pledge his word of honour, that he thought a reduction of duty upon the articles he had named would reduce their price to the poorer classes one halfpenny, he would go hand in hand with him in proposing their repeal.

Ordered to lie on the table.

TURNPIKE ROADS BILL.] Mr. *Cripps* rose, in pursuance of the notice he had given, to move for leave to bring in a bill to amend and consolidate the Turnpike Acts. The House would recollect, that a highway and turnpike act of enormous length, the latter containing 150 clauses, were enacted in the year 1822. So complicated were the clauses, that it was essentially necessary they should be explained, to enable magistrates properly to comprehend the meaning of the law. There was at present the greatest difficulty upon the executive part of the subject, and he was particularly anxious to have the clause altered, which, for one offence, affixed a maximum penalty of 5*l.*, but no minimum sum. This, he thought, ought not to be left to the discretion of magistrates. There was an appeal to the sessions, if the penalty exceeded 40*s.*: but, to evade that appeal, there prevailed a practice of fining only 39*s.* One evil of these acts was, their inordinate length; and the consolidation which he proposed would, by shortening, obviate that serious inconvenience. If the hon. member below him (Mr. F. Lewis) meant to pursue the subject, he would not himself press the matter any further. If not, he would move, "That leave be given to bring in a bill to consolidate and amend the several acts relating to the Turnpike Roads; passed in the 3rd and 4th years of Geo. 4th."

Mr. *F. Lewis* said, he had no wish to take the subject out of the hands of the hon. member, but he should be extremely happy to give him any information which he might be able to communicate. The acts which he (Mr. F. L.) had undertaken to carry through the House, at the express desire of the committee which sat on this subject, contained no less than one hundred and fifty clauses. If they were imperfect, it was not from any want of attention which had been given to the subject; they had occupied his (Mr. F. Lewis's) time and attention during three sessions. He thought the hon. member would fail in his object, if he attempted to combine the Highway acts with the Turnpike road acts. He agreed with the hon. member that it was desirable to consolidate acts for the purpose of shortening them; but the highway acts were themselves extremely long and complicated, and the hon. member would find the difficulty of legislating on this subject greatly increased; by attempting to combine them with the turnpike road acts. Under all the circumstances, he advised the hon. member to withraw his motion.

Sir *M. W. Ridley* said, that considerable improvements had been already made in the turnpike laws. One very material alteration was that of consolidating all the laws on the subject into two acts; and it would have been a still further improvement if they had been all comprised in the act of last session. A considerable portion of practical information had been already obtained, in consequence of the inquiries which had been set on foot; and he would therefore recommend his hon. friend to adopt the advice which had been given him, and to withdraw his motion for the present session. Great improvements were still necessary, but none so decidedly as to require immediate alteration.

Mr. Secretary *Peel* entirely approved of the advice given by his hon. friend behind him. He should not now enter into any details, but he would recommend his hon. friend to withdraw his motion for the present, on the ground that we should only have, in another year, to be re-enacting a new measure, and that it would be much preferable to wait until we were in possession of additional information on the subject.

Mr. *Cripps* said, that as a magistrate and a commissioner, before whom repeated complaints had been made of the inconveniences arising from the present laws, he had felt it his duty to come forward, for the purpose of ascertaining whether the hon. member meant to renew the measure he had some time back introduced to the House. However, as it seemed to be the general opinion that it would be preferable to postpone the subject to some future period, he had no objection to withdraw his motion.

The motion was accordingly withdrawn.

EDUCATION IN IRELAND.] Sir *John Newport* rose for the purpose of calling the attention of the House to a subject of considerable importance, namely, the state of Education in Ireland: and he could assure them, that if he thought it would require any display of eloquence to enforce its necessity, he should most willingly have resigned it to some individual more competent than himself. But he believed that whatever difference of opinion might exist as to the mode of accomplishing the object, there could be but one feeling as to the great and important advantages that must arise from the diffusion of education in Ireland. He should therefore proceed, in the first instance, to state in detail the progress which had been already made; and he should next state the course which it appeared to him advisable to adopt, with a view to render more efficient the funds which parliament had already granted, and the money which had been devoted by private bequests, to accomplish an object of such paramount importance to the community at large. He said of "paramount importance," because he was sure all men must admit, that the education of the great body of the people must be conducive to the general welfare.

In stating to the House what it was his intention to propose for their adoption, it would be seen that he had to deal with a question of the most delicate nature, which was beset with difficulties, in consequence of the conflicting opinions of people who were divided by religious tenets, and he should therefore most studiously abstain from any observation that could possibly lead to any acrimonious feeling. He could assure the House, that he felt he was discharging a duty of the most serious importance, and he conceived, that none could be more essential, either to the interests of the public generally, or the more sacred cause which he had in view, than a strict avoidance of every topic that could exasperate the feelings or impute blame to any body of men." In any effort of his to promote his object, he should censure no man, because he was persuaded, that whatever impropriety might have arisen in the course which had been followed, was not occasioned by any unworthy feeling; and sensible as he was how liable he was himself to errors he should avoid imputing blame to others.

He should take the liberty of stating what parliament had already done on this subject; for, although he was sensible that such a course must be uninteresting to those who had looked into the subject, still he thought it would be necessary, as he was addressing many gentlemen whose different pursuits and various occupations had not allowed them to bestow much consideration upon it. He therefore trusted the House would excuse him whilst he trespassed upon their attention for a few moments. So long back as the year 1787, five years after that memorable period when the Irish parliament had asserted their independence, the public attention was drawn to this object. This circumstance he mentioned with a view to shew, that, at the moment the parliament had fully established their independence, they turned their thoughts to a subject which appeared to them so important. In the month of January, 1787, his grace the duke of Rutland, the then lord lieutenant of Ireland, in his speech to the Irish parliament, in calling their attention to the subject, made use of these words:—"And I hope that some liberal and extensive plan for the general improvement of education will be matured for an early execution." Accordingly, on the 16th of April afterwards, the subject was taken into consideration, and an act was passed, appointing a commission to take into consideration "the general condition of all the schools in Ireland, the funds thereof, together with all the abuses that had taken place in the government and management thereof." However, down to the year 1796, no further steps were taken, and thus the measure of inquiry proved abortive; and he really was surprised how a subject which had been taken up so warmly could have been so easily abandoned. He believed the truth was, that such was the state of parties, and with so many difficulties was the question beset, it was not considered advisable to proceed further; but, if the commissioners had gone on with the examination, he believed, it would have been found that great abuses had taken place. However, nothing was done, and matters continued in this state until the year 1806.

He trusted, in what he was now going to state, it would not be supposed that he meant to assume to himself any merit for the course he had pursued: for, had any other person been placed in the situation which he then filled, the subject might have been taken up in the same manner. However, previous to his coming into office, in 1806, a copy of the minutes of evidence taken before the commissioners appointed under the act of parliament had fallen into his hands, which contained an account of great abuses in the management of the schools which were supported by royal donations, as well as those which were maintained by private funds, and he had felt it his duty to lay the statement before the lord lieutenant. His excellency considered the subject of paramount importance, and, accordingly, a bill was passed for the appointment of a commission; six to be nominated by the lord lieutenant, and five by the commissioners of charitable donations, who consisted of the archbishops and bishops of Ireland and other Ecclesiastics; and it was considered, that a mixture of lay and ecclesiastical commissioners would be the most prudent course to adopt; at the head of the lay commissioners stood first in order, as he always stood foremost on all occasions, in which the interests and happiness of Ireland were concerned, he meant his late lamented and never to be forgotten friend, Henry Grattan [Loud cheers]. It was only necessary to mention his name to convey to the House an idea of the character of those who were selected for the inquiry. Several reports were drawn up from time to time, but they were all delivered in between the years 1809 and 1812, and considerable labour was bestowed in drawing them up, as well as receiving evidence; for they contained twelve appendixes. They developed considerable abuses, and recommended various remedies.

But, it was to the fourteenth report that he principally wished to direct the attention of the House, because it contained the real principles upon which, as it appeared to him, the education of the people of Ireland should be founded. The right hon. baronet then read several extracts from the fourteenth report, stating, that the commissioners had applied their efforts to frame a system of education for all classes of the people, keeping clear of the religious tenets of any; and that the true system was, to treat them all as one undivided body. It certainly was most desirable, and the reasons would at once strike the House, that such a course should be adopted. They should keep clear of the religious tenets of all classes, and avoid not only the reality, but even the appearance of proselytism. It was of the first importance that education should be free from all interference on religious subjects; and when the minds of men had been formed by education, they would best be able to judge of the merits of any particular creed [hear hear]. Now, it was quite manifest that education should be had on the most moderate terms. Any person who had turned his attention to this subject, must have found how indisposed the people of Ireland were to receive gratuitous instruction. The poorest labourer in that country would rather pay for the education of his child out of his own hard earnings, than accept the benefit of gratuitous instruction. If then, that was the honourable feeling of the people of that country, surely it was incumbent on the legislature to secure to them the opportunity of receiving the education which they required, on the most reasonable terms, and it was quite obvious how great an anxiety prevailed on the part of the people to receive it [hear, hear]. The right hon. baronet next referred to the opinion of Mr. Grattan * as to the system which should be acted upon with respect to religious instruction. It was the opinion of Mr. Grattan, that in all the schools the christian religion should be taught, but no particular form of it. Children should be instructed in the four great moral duties —their duty to God, their duty to their neighbour, their duty to their country, their duty to the government. These he considered sound and excellent principles keeping clear of all proselytism, and studiously avoiding all interference.

It would be found upon inquiry that in the schools which had royal endowments, there were very few free scholars on the foundation. There were six in one, thirteen in another, and nine in a third. The funds which they possessed were very considerable indeed, and he was sorry to say, that the rate of tuition was considerable also; and he was sure the House would agree with him, that in schools, which had funds amounting to 700*l.* and to 1000*l.* a year, twelve guineas a year was too much to be paid by the day scholars. If there had been no separate establishment at all, that sum would be as much as they could expect from day scholars; and the consequence of these high terms was, that a vast portion of the people were excluded from the benefit of education. He owned he was disposed to think, and in that opinion he was supported by some of the ablest writers on education, that, so far from supposing that masters of schools should have large incomes independent of their scholars, it checked the improvement which it was meant to extend. In like manner, in the Diocesan schools, there were very unequal incomes. The school of Derry had 900*l.* a year; and upon this subject he could not avoid bearing his testimony to the praiseworthy conduct of the London companies, and particularly the drapers' and fishmongers' companies, who deserved the highest honour for the manner in which they managed their estates in the north of Ireland. A report had been drawn up by the drapers' company, which would do honour to the pen of any statesman that ever lived; and in this assertion he was borne out by his noble friend, the chancellor of the University of Oxford (lord Grenville), to whom he had had the honour of sending the report, and on returning it, his noble friend had stated, that "the Report does the highest honour to the body from which it emanates; and it is a proud consideration for this country, that a body of men so situated, not attending to their own local interests, but the general welfare of the community, should inculcate principles which would do honour to the head of any statesman" [hear hear]. A new system of school had lately been introduced into Ireland, he meant the "farming school," which was established in the county of Wexford, which he thought would be productive of great advantages, if it should obtain a more general extension. A report of its proceedings had been made to the "farming society," a copy of which, at his suggestion, had been ordered by the House to be laid upon the table. In a country, the greater portion of which was agricultural, such an institution could not fail to produce much good. He was afraid that, from various causes, considerable uneasiness was felt at the jealousy and distrust which was manifested at the extension of education in Ireland. Now, he would take the liberty to state, that it would be not only advisable, but just, to make some allowance for this jealousy and distrust. It should not be forgotten, that they proposed to educate a people, the majority of whom were of a different religious creed from themselves; and it was by no means unnatural, that they should regard with jealousy the views and proceedings of those who undertook to provide them instruction. And he must say, that those who considered the matter fairly and candidly, would do well to make some allowances; and the great object of the legislature should be, if they could not wholly remove, at least to abate this jealousy as much as possible.

He trusted, that in any thing he had said, no observation had fallen from him that was calculated to increase the acrimony which he feared existed; if so, he could assure the House, that nothing on earth was further from his purpose. His great object was to control and allay, not to augment the feeling which at present existed. In addition to the statements which he had made, he must inform the House, that many schools had been founded by the private donations of Roman Catholics. In the city which he had the honour to represent, there was an individual who was entitled to the highest praise, for his exertions on this subject. He had been originally a butcher, and afterwards became a drover, and having realised a considerable property, devoted, not a part, but the whole of his income to promote the cause of education—[cheers]. The right hon. baronet then went into some details respecting the Roman Catholic schools in the dioceses of Cloyne and Tuam, and proceeded to state that he had entered into these particulars for the purpose of shewing what had been done. That much remained still to be done, all were agreed; and that in any further steps that might be adopted, all collision of religious feelings should be studiously avoided, was a desideratum which he trusted the legislature would attain. With that view he meant to conclude the observations he had to make, with proposing an Address to the Crown for the appointment of a commission to proceed to Ireland, to inquire into all the circumstances connected with the system of Education in that country. There were two modes that might have been adopted: the one was the appointment of a committee of that House; the other a commission to examine the subject on the spot, and report their opinion, as to the best means of carrying into effect the intentions of the legislature. That there were advantages and disadvantages attendant upon either course, no man would deny; but you cannot purchase any great advantage without also taking the disadvantages with which it was accompanied. A committee of that House would certainly excite more attention than a commission. Commissioners on the spot would have the opportunity of investigating into all the details much more fully than any committee of the House. On a question so deeply involving the dearest interests of the community, it appeared to him impossible that any government intrusted with the protection of those interests should feel indisposed to give its support and sanction to such an inquiry. When he recollected what had been effected by the two commissions appointed to inquire into the nature and extent of the abuses in the courts of justice, and in the collection of the revenues in Ireland, he felt the fullest conviction that a commission *similarly constituted* would be productive of the most essential benefits to the public. The abuses developed by the commission on the Irish revenue proved what could be effected by energy and perseverance. The commissioners had probed the existing abuses to the very bottom, and their reports were the best proofs of their unremitting industry in the performance of their duty, as those evils were deeply rooted in the system. In drawing up these reports, and carrying the whole proceeding to its completion, they had fulfilled the object of their appointment, in a manner that reflected the highest credit on themselves, and imparted a permanent service to the country.—It only remained for him to return to the House, his sincere thanks for the kind attention it had given to his statement, which, under the deepest sense of its importance, he had felt it his duty to submit to its consideration. The right hon. baronet, amidst loud cheers, concluded with moving,

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* Appendix B, to 14th report.

"That an humble address be presented to his Majesty that he will be graciously pleased to issue a commission under the great seal, for inquiring into the nature and extent of the instruction afforded by the several institutions in Ireland established for the purpose of Education, and maintained, either in whole or in part, from the public funds; for inquiring into the state of the diocesan and district schools, and the nature of the instruction there given; for ascertaining whether any and what regulations may be fit to be established with respect to the parochial schools; and for reporting as to the measures which can be adopted for extending generally to all classes of the people the benefits of Education; and that his Majesty will be pleased to direct the proceedings of such commission to be laid before parliament."

Mr. *Goulburn* observed, that there was so much of candour and temperance in the speech of the right hon. baronet; he had introduced his most important motion in such a judicious and conciliatory manner, that he only wished that, in returning his thanks to the right hon. baronet, those thanks proceeded from an individual possessing a more prominent station, and higher influence. Most sincerely he concurred with the right hon. baronet as to the importance of the subject; as to the great value of building up a system of amelioration and improvement in Ireland, on the solid foundation of a general system of public education, and by such an exertion placing the humbler classes of the Irish community on a level with the people of Great Britain. He entirely agreed with the right hon. baronet, that education in that country should be extended as widely as possible, conducted on Christian principles, and avoiding all attempts at proselytism. With respect to any attempt of that kind, he felt justified in saying, that, under the existing system of national education in Ireland, it was generally avoided. He did not mean to say, that in such a variety of schools, through so great an extent of country, there might not have occurred instances, where the over-zeal of some, or the mischievous interference of others, had made such endeavours. But, as a general principle, he felt warranted in saying, that all efforts at proselytism were deprecated. The right hon. baronet had, therefore, acted most wisely in forbearing, on the present occasion, to go into a statement of those exceptions. Having made these general observations, and impressed with the convictions, that without reference to political attachments, all sides of the House were most solicitous to carry the great object into effect, he felt that to enter into any details after the judicious speech, of the right hon. baronet, might only lead to an interruption to that general concurrence, with which the House appeared disposed to receive the proposition. He should, however, bear testimony to the fact, that there existed at that moment, as there ever did exist in Ireland, the greatest anxiety on the part of the people, to avail themselves of that invaluable blessing. He knew with what liberality parliament was disposed to afford the means of realizing the gratification; and that there existed in Ireland a number of individuals, of the highest consideration and influence, who most unremittingly laboured to give effect to the wishes of the people and the liberality of the legislature. Education had already made a considerable progress; and though he knew the solicitude of the people on that head was not of a recent date, yet if he now augured more favourably as to its increasing progress, it was because the subject had of late years been brought more to the notice of the higher orders of society in that country. So impressed were they with its paramount necessity, that he anticipated that the completion would not be long delayed, of a comprehensive plan, which should have for its object the diffusion of knowledge among their less-enlightened fellow-countrymen.

Mr. *John Smith* said, that particular circumstances had brought to his knowledge facts, which it was his intention to have alluded to on the present discussion; but, after the concession of the hon. secretary for Ireland—a concession which he considered a proof of the liberality of his majesty's government—he should not intrude any statement upon the unanimity of the House. However, he must be permitted to express his surprise, that having heard some years ago, one of the most able and eloquent speeches from the right hon. secretary opposite (Mr. Peel), on the necessity of a comprehensive system of education in Ireland, that nothing had followed such an enlightened recommendation on the part of his majesty's government. At least he might be allowed to say, that the fruits of such a plan were not visible, in the increasing tranquillity and good order of the lower classes in that country. For his part—and he said so after the fullest conviction—he could not understand how any government could overlook that great duty it owed the public, by not attending to the instruction of the poor. He would endeavour to establish the cogency of that duty, by a very familiar illustration. We felt it necessary, whether for the purposes of interest or pleasure, to prepare our horses or dogs for the services we expected from them, by a previous discipline aad training. Man alone was left in a state of total ignorance, a prey to his own unruly passions; and yet, strange to say, from him, thus abandoned, we exacted a complete obedience to the ordinances of society. Without previous instruction, he was expected to be subjected to our laws, or he was hanged or transported. So long as he had a voice, he would contend, that a government which withheld instruction from the great class of the people, had no right to make them amenable to its bloody and ferocious code. He should have preferred a committee of that House to investigate the great subject connected with the funds applicable to the education of the Irish people, rather than a commission. In a committee, the House would obtain "the truth, the whole truth, and nothing but the truth." A commission, he feared, would never get at the bottom of the subject. But, before a committee, he must be a most able witness who could conceal the truth, from fourteen or fifteen able members adapting their questions to the objects of the investigation. How far, under existing circumstances, it was practicable to extend education amongst the poor of Ireland he should not say, without further information. But he feared that inquiry would furnish such proofs of existing ignorance and wretchedness amongst the poor of that part of the kingdom, as, if clearly exhibited to that House, would, he was persuaded, render it the earnest wish and immediate employment of every member, no matter on which side of the House he sat, to provide an effectual remedy. We were actively and creditably engaged in extending our benevolence far and wide. The black population of the West-India colonies had attracted the attention of the country, and of the legislature. It was therefore the more inexplicable, that we had so long overlooked the condition of a people with whom we were so closely and intimately connected as the inhabitants of Ireland. In the present state of the world, it was impossible that we could get on without some real and comprehensive remedy for the evils that so long afflicted that country. The first great feature in that system of amelioration should be a general system of education. After the benefits of such a course began to develope themselves, other measures must follow, which should impart to the people a full participation in all the rights and privileges of the constitution. He should not at the present moment, speak of the constitution of the proposed commission, but the House must feel that every thing depended on the manner in which it was constituted. He sincerely hoped that it would be composed of individuals, selected, not because they possessed the confidence of his majesty's ministers only, but because they possessed the confidence of the whole House. They should be persons, who were disposed to sift the subject thoroughly; who would ascertain how the funds, destined for education, were applied; and who were competent to report to the House their views of a full and comprehensive system of education.

Mr. Secretary *Peel* said, that though there was no member in that House more impressed with the importance of the question, as it related to the necessity of educating the people of Ireland, yet, after the speeches of the right hon. baronet, and of his honourable friend the secretary for Ireland, he should not have offered a single observation, had it not been for what had fallen from the hon. member opposite. That hon. gentleman had alluded to a speech, made by him several years ago, recommending to that House the pressing necessity of education in Ireland. He could assure that hon. gentleman, that the sentiments he then uttered he felt most sincerely, and the same sentiments he now entertained. The hon. member, however, had observed, that he recognized no measures in consequence of that speech; at least that the fruits of such a system were not to be traced, in the tranquillity and good order of the lower classes of the Irish population. Now, even if it were true that no improvement had taken place since the year 1814, he still thought that such a result should not induce the advocates of education to despair. But, the fact was otherwise. Education had not been neglected, and its progress had been considerable. And, without assuming to himself any undue credit, he thought he might fairly add, that he had not neglected to act upon the opinions which he had supported in 1814. In the next year, he had introduced a bill, having for its object to appoint a commission for the avowed purpose of correcting the abuses which existed in the endowed schools in Ireland. That commission made fourteen reports; the first thirteen referred to the abuses that were found to exist; the fourteenth gave a new plan of education, calculated, in the judgment of the commissioners, to meet the condition of the great body of the Irish population. That he had no wish to disguise the existing evils, but to provide a remedy for them, was evident from the very preamble of the act itself. He was free to confess, that with respect to any general plan, whatever his wishes were, they were qualified by the fear, that the solicitude to do too much might be productive of mischief. He was afraid that in the then existing state of public feeling in Ireland, to attempt by any broad legislative measure, to interfere with the education of the people would have been attended with considerable irritation; that alarm, anxiety, and jealousy, would have been the result. But, within one year after the speech alluded to, the subject of education was taken up unostentatiously by himself, and his right hon. friend near him (Mr. V. Fitzgerald), then filling the office of chancellor of the Exchequer for Ireland. An association of men of the highest distinction, and of all religious persuasions, was formed for that purpose. It was founded on the principles of a Christian education, disavowing all attempts at proselytism. It was the anxious wish to bring together both the Protestant and Catholic children in their earliest infancy, under the natural and laudable presumption, that the bond of attachment, formed under such attractive circumstances, would consolidate the relations of mature life, and eventually lead to reciprocal conciliation and kindness. The education as he said before, was founded on the broad principles of Christianity leaving, however, to the pastors of the respective religions to instruct the children of their persuasion in the doctrinal parts of their religion. In three years after the formation of that society in Dublin, the number of schools was 320. In 1821, they amounted to 530; in 1822, to 727; and last year, there were flowing out of that association no less than 1100 schools in different parts of Ireland. Surely these undisputed facts were a sufficient proof that the advantages to be derived from the education of the Irish poor had not been neglected [hear!]. He could not sit down without expressing his full concurrence in the address that had been moved for the appointment of a commission. It was of importance that parliament should be assured of the progress that education had already made. Let it see to what extent it had been carried. Let every information be afforded, to ascertain whether the system could be amended; and it was desirable to have the reports of commissioners who were qualified to recommend the best means of extending it. As to the appointment of the individuals qualified to act as commissioners in such an important investigation, he begged to assure the House, that those whose duty it would be to advise the Crown, were not unconscious of the severe responsibility, and that he trusted the commission would be constituted in a manner to insure its efficiency, and to obtain the general satisfaction of that House and of the country.

Mr. *Brownlow* said, he was one of those who felt that there was no hope for the prosperity of Ireland, until the most liberal and comprehensive system of educating the great body of its population was acted upon, under the sanction and protection of his majesty's government. He trusted that few men could be found without the doors of parliament—he hoped not a man had crossed the threshold of that House—who was not a friend to education in the abstract. He knew that an opinion existed in some minds that Ireland from circumstances, was an exception to the general rule. Had such persons witnessed what he had had the gratification of seeing at the last anniversary of the St. Patrick's charity, they would have been furnished with abundant reasons for altering such impressions. Any man who had on that day seen the children of that charity, selected from the most indigent of the Irish population in this metropolis, must have been persuaded, that in place of Ireland constituting an exception to the general principle of the inestimable value of a diffusive education, that people would become the brightest illustration, as they most needed it, of the value of such a system of improvement. It had been well said, that no other system could possibly be beneficial than that by which the Catholic and the Protestant were brought together in the same school. To any system different from that he was decidedly hostile. Nor could he consent, that the instruction of the people should be placed on any other basis than that of religion. He would never consent that the instruction of the people should be placed on the basis of a specious morality. Whatever might have been said by some writers, such as Mr. Hume and others, who insisted upon morality, to the exclusion of religion, he was convinced that no system of education would thrive, from which was excluded that knowledge which was the beginning of all true wisdom. The Catholic bishops in the petition which they had presented to the House, while they protested against the use of the bible in the schools, without note or comment, declared also, that they were averse to the separation of literary from religious instruction. In the latter sentiment he entirely agreed with them. It must be the object of the proposed commission, to ascertain how far both questions might be satisfactorily arranged. If it should appear that the use of the Scriptures, without note or comment, was insuperably objectionable to the Catholics he should certainly be disposed to wave their use as a class book or primer; although in no other way. But if this concession were made on the part of the Protestants, some concession ought naturally to be expected on the part of the Catholics. These were points to which the commission would have to attend. They would see what neutral ground could be taken on which both parties might amicably meet. For his own part, he desired no concession: he desired no proselytism. He had often said, that he believed a Roman Catholic subject was just as good as a Protestant subject. He could not sit down without uexpressing his acknowledgments to thehon. baronet by whom the present motion had been made. The right hon. baronet's exertions that night were only a part of the long train of efforts by which he had endeavoured to serve his beloved country. Approving as he did of the right hon. baronet's views on this subject, he trusted that the mode in which those views would be carried into execution would prove highly beneficial to Ireland.

The motion was then agreed to.

Labourers Wages.] Lord *John Russell*, after having presented a petition from Matthew Phillips, civil engineer and surveyor, for an inquiry into the condition of the labouring poor, proceeded to make his promised motion on this subject. The noble lord said, that a committee had sat upon the subject some years ago, of which committee a right hon. gentleman opposite was chairman. In consequence of the report of that committee, a bill had been brought into parliament, and he was free to confess, that in that bill a right course of legislation had been commenced. But, although a right course of legislation was commenced, yet much remained to be done; and more especially with respect to that which, in his present view, ought to be the principal object of the select committee for which he was about to move; namely, the practice which prevailed in some parts of the country of paying the wages of the labourer out of the poor-rates. This was' a practice in every way so indefensible, that it was exceedingly desirable that some measure should be devised to stop such a vagrant system. One of the resolutions which he should have to propose in that committee was, a recommendation to magistrates not to allow, for the future, any portion of the wages of labour to be paid out of the poor-rates by the overseers. There were two modes of proceeding: that of stopping the evil at once, by legislative prohibition; the other mode was that of carrying into effect the provisions of a bill brought in some time ago by the right hon. gentleman for making a distinction between the industrious and deserving poor, and those of an opposite character. He would now move, "That a select committee be appointed to inquire into the condition of the labouring classes, particularly with a view to the practice of paying part of the wages of labour out of the poor-rates; and to report their opinion thereon to the House."

Mr. Secretary *Peel* said, he had no wish whatever to discourage the noble lord, in the pursuit of the object which he had in view; but he really thought that the noble lord had better limit his motion to the particular object which he desired at present to attain. The noble lord now proposed an inquiry into the condition of the labouring poor, generally. It would surely be much better to draw a line, which should define the points to which the committee were to direct their attention. For let the noble lord consider into what a number of classes the labouring poor divided themselves. First, there were the agricultural classes: then, there were those connected with mechanics; then, there were the labouring classes, belonging to towns, not manufacturing; then, there were the manufacturing classes of labourers. As the noble lord's motion now stood. the committee must inquire into the condition of all these classes; although it was clear, from the noble lord's own statement, that his object was, the appointment of a committee to inquire into the practice which prevailed in some parts of the country, of paying the wages of labour out of the poor-rates; and to consider what measures might be effectually adopted for the abolition of such a practice. If the noble lord's motion were to be agreed to as it stood, the committee would be overwhelmed with the multiplicity of its business. Now, nothing could be more unwise than to devolve on any committee of that House too extensive a labour. It was, of all others, the worst mode of obtaining any advantageous result. In any case in which the powers of a committee were found to be too limited, it was very easy to extend them. If the noble lord accepted the words which he had suggested, or would substitute others of similar import, he assured the noble lord, that he would not throw any difficulty in his way; and that he would not hereafter object to any extension of the powers of the committee, should such an extension be deemed advisable.

Lord *John Russell* said, he had no ob

jection whatever to adopt the recommendation of the right hon. gentleman [hear, hear, hear!].

The motion, as modified by Mr. Peel, was then agreed to; and a select committee was accordingly appointed, "to inquire into the practice which prevails in some parts of the country, of paying the Wages of Labour out of the poor-rates, and to consider whether any and what measures can be carried into execution for the purpose of altering that practice; and to report their observations thereupon to the House."

GAME LAWS AMENDMENT BILL.] On the motion of Mr. S. Wortley, the House resumed the consideration of the report of the committee on this bill, and the bill was recommitted. On the second clause, a discussion of considerable length ensued. The clause is as follows:—

"And be it further enacted, that all hares, rabbits, pheasants, partridges, grouse, black game, heath and moor game, bustards, woodcocks, snipes, quails, landrails, wild ducks, teal and widgeons, and the young and eggs thereof, found in or upon any inclosed land, are and shall be deemed to be the property of the person or persons, body or bodies politic, corporate or collegiate, seized of, or entitled as owner or owners thereof in possession (and not in reversion) to, the land on which the same shall be found; and all hares, rabbits, pheasants, partridges, grouse, black game, heath and moor game, bustards, woodcocks, snipes, quails, landrails, wild ducks, teal and widgeons, found in and upon any stinted pasture, uninclosed common, or waste land, are and shall be deemed to be the property of the lord or lady, lords or ladies of the manor, lordship or royalty within which such stinted pasture, uninclosed common or waste land shall be situated; and it shall be lawful for the person or persons, body or bodies politic, corporate or collegiate, so entitled to the property of the game within their own hands, and for the lord or lady, lords or ladies of the manor, lordship or royalty so entitled to the property in the game on such stinted pasture, uninclosed common or waste lands respecttively to demise and let the game to be found therein."

Sir *J. Shelley* objected to the clause, that the proprietor of the soil could take or kill game upon it, but could not give the right of doing so to another person.

Lord *Milton* asked whether, if this clause were agreed to, it would preclude the right of making any remarks on the new descriptions of game introduced in it? He observed, in the enumeration contained in the clause, that woodcocks, which were not game by the common law of the land, were made so by the present measure, and that rabbits, quails, and widgeons were also included. This was an enormous extension of the system of the game laws, of which the people of England already complained so justly as a grievance. The object of the bill was, as he conceived, to mitigate that grievance, and to diminish the mass of crime which every man complained of, from one end of the country to the other. It was therefore inconsistent with the object which they professed, to extend the operation of the game laws to a great variety of animals not heretofore included. He objected to the whole clause, and the bill altogether, though he was prepared with no plan of his own upon the subject. On the contrary, what he wanted was, to get rid of legislation. They had already legislated too much on that, as well as on other subjects. By the present bill, they would have half a dozen lords of the manor, where they had but one before. By one of the clauses, every owner of fifty acres of land was to become entitled to all the game which should be found on that land. In other words, it would vest in twenty persons instead of one, that which was not, in its nature capable of being the property of any individual; and thus would increase tenfold all the evils which were found to arise from the game laws. To the principle of legalizing the sale of game, he subscribed; but he did not approve of the mode in which it was proposed to carry that principle into effect, by means of licences. Desirable as it was that the sale of game should be permitted, there was no way in which it could be accomplished, except by taking away all penalties, and ceasing to legislate on the subject.

Sir *J. Sebright* agreed with the noble lord, that the operation of the game laws was unpopular and injurious; but he did not agree with him, as to the causes to which he referred those consequences. He disapproved of the laws, because they confined the enjoyment of game to certain privileged classes, and shut the people at large out from it. A man who was not qualified by being the son of a squire, or in some other way, could not even shoot on his own land. What reason could be fairly given, why it was improper that a man should be permitted to shoot the game which he fed, and to let his friends shoot it too, if they wished? For his own part, being as he was, to a certain extent, a preserver of game, he knew there was no return he could make so agreeable to many persons on whom he was inclined to bestow a small civility, as to give them a day's shooting. It was not by giving them game, for that they could, and would, and did buy, as the House well knew; but by letting them come and kill it for themselves; and yet, however he might be inclined to do so, he was not permitted, unless such persons were qualified. If one of his tradesmen had behaved well, in waiting patiently for his bill, or in any other way, and he wished to express his sense of the man's civility, by giving him a little sport, he could not do so, because the honest tradesman was not qualified; while a squire's son, who might be a pauper in the workhouse, could shoot over all the manors in the kingdom. This was the cause of the unpopularity of the game laws; and it was because there was one and not ten lords of manors, that the jealousy, which was a very proper one, existed on the part of the people. Men who were not qualified durst not take their guns in their hands; they were not only debarred from shooting game, even on their own lands, for their tables, but they were absolutely prohibited from shooting a hare in their own defence. He disliked all such privileges, and thought the right of shooting game ought to be thrown open to the proprietors of land; and that they who produced the game should have a right to do with it whatever they pleased.

Mr. *Stuart Wortley* entreated the House to confine its attention to the subject of the clause before them, and not to suffer questions upon the general principle of the bill to be discussed, until the clause should be disposed of. His noble friend's objection had been, he thought, founded in a mistake, because he seemed to suppose, that there was a penalty attached to killing those animals which were now first to be called game. It was not so; but the property of such animals was vested in the owners of the soil on which they were grown or should be found, and persons unlawfully killing them incurred no penalty, but were liable to the consequences of the trespass. No unqualified man could go on the land of another and kill any of this game; but, if he killed any of that which had before been called game, then he incurred the penalties which had been before provided for that offence. If a man had only a foot of land, he might kill all the game he could find on it.

Mr. *Bernal* wished to know whether, as the bill declared these animals to be the property of the owner of the soil, persons killing them were to be considered as committing a felony?

Mr. *Monck* objected to the words "rabbits, wild ducks," and others, describing animals which were not before considered as game. He thought they extended the bill too far; but if they were omitted, he had no objection to the clause.

Mr. *S. Wortley* wished the word "rabbits" to be retained, because the common pretence under which poaching was extensively carried on was, that the persons committing it were in search of rabbits.

Mr. *R. Smith*, thinking that the notions about game were so loose and unsettled, that people did not regard it in the same light as other property, objected that any other penalty should be annexed to the violation of it than attached to ordinary trespassers.

Mr. *S. Wortley* was disposed to give up the words after "grouse."

Mr. *Bernal* repeated his wish to know, whether the carrying away such game as was mentioned in the bill was to be considered as a felony against the owners?

Mr. *S. Wortley* said, that the penalty of 40*s.* provided by the act was the only one which it was intended to inflict; but to prevent all misconstruction on this head, he proposed to add a clause, declaring, that no other penalties than those mentioned in the bill should attach.

The clause, as amended, was agreed to.

Mr. *Goulburn* objected to the clause, which transferred the right to the game from the lord of the manor to the owner of the land, and instanced his own case. He was lord of a manor, in which he had no land, but was in possession of the tithes, and he had hitherto enjoyed, with the permission of the occupiers, the right of sporting over the whole of the manor; but, by this clause, his situation would be materially altered, and that greatly to his disadvantage. He knew the House would not legislate upon particular cases, but the situation in which he stood, was that of many other persons.

Mr. *Bernal* contended, that lords of manors, not being owners of the land, had no right whatever to shoot over it without licence, and that the clause would not materially intrench upon any manorial rights.

Sir *J. Wrottesley* wished, that on whatever footing the rights of lords of manors at present stood, they should so remain.

Mr. Alderman *Heygate* contended, that manors were good property. He had known one purchased from government, which had no other quit rent but 5*l*. a year, and no other common belonging to it than a few acres, and for this manorial right 1,400*l*. had been given. If this bill were now to pass, this person would be cheated out of 1,400*l*. He trusted the House would protect the rights of lords of manors, which were not so imaginary as some gentlemen supposed them to be.

Mr. *Cripps* was hostile to the clause; and wished to know, whether the rights of lords of manors, let them be what they would at present, would not be materially altered if the bill passed.

Mr. *S. Wortley* defended the clause. He thought that the rights, as they existed at present, subject to impediments at every step, were not worth a farthing; and that, on the whole, he had given to lords of manors more than he had taken away by making the game on unenclosed lands property.

Lord *Milton* could not but think that there was a great interference with the rights of property by the present bill; and that, before the House should so interfere, they ought to be assured of the benefits which were likely to arise from it. He should be ready to agree to it, if any great advantage could be shown to be derived from it; but he thought the operation would be prejudicial, for it would increase, instead of diminish, the grievances of the game laws. The committee were sitting to clear the county gaols from the number of criminals with which they were filled under the game laws. That was the great grievance; but by this bill the number of enclosures would be increased, and consequently the number of persons interested in prosecutions, and he feared the number of offenders, would also be increased.

Mr. *Peel* was not prepared to say whether it would be better to pass the bill with the present clause, or to try the experiment of making the game saleable, leaving the rights of lords of manors as they were; but he wished to see how his hon. friend intended to deal with the new-created rights.

Mr. *S. Wortley* held it to be impossible to pass a law making game saleable, and yet leave the right to it in the hands of those who had not contributed to the expense of feeding it.

Mr. *Peel* much doubted whether it would not be better for his hon. friend, in the first instance, to limit his experiment.

Sir *J Sebright* agreed with his hon. friend, that to make game saleable, and retain it in the hands of a privileged class, was what the country would not endure.

Mr. *G. Bankes* said, that the House ought to pause before they threw open to the great class of the people a right, which, from the numbers, power, and disposition of that class, they never afterwards could recal. He was one of those who considered that a species of property which had been enjoyed for ages, ought not to be lightly dealt with. He did not conceive that the proposed alteration would have the effect of making the gaols less full, or the people more moral, or more contented.

Lord *Binning* said, that the state of things under the game laws was so abominable, that any measure which would afford a chance of escaping from that state he was disposed to consider a benefit. If he were convinced, that legalizing the sale of game, without introducing the principle of property, would prove effectual, he would willingly agree to it; but he could not indulge that hope. He could not help saying, that what had fallen from the hon. member for Yorkshire, had gone a great way to reconcile him to the clause.

Mr. *Evans* approved of the principle in the bill which gave the property in game to the lords of the manor.

The chairman then put the question on the amendment of the clause, which was carried without a division; it being to this effect—"And in all cases in which game shall be demised or let, the use and property of the same shall be deemed to be vested in the person to whom it shall be so let or demised."

Sir *J. Wrottesley* was exceedingly anxious that the sale of game should be permitted, because he well knew it could not be prevented. He, however, only asked now, that the permissive rights which land-owners at present possessed of appointing game-keepers, &c., should be reserved to them.

Mr. *Goulburn* thought the hon. baronet's proposition would defeat the general objects of lords of the manors as to game.

The committee then divided: For the clause as amended, 82. Against it 29. Majority 53.

Mr. *Bernal* objected to the next clause, as authorizing, in very many cases, a violation of existing contracts between landlords and tenants, where a right of killing game had been reserved to the latter. This clause enacted, "that it should be lawful for the person entitled as owner in fee of any enclosed lands, the same not being in his own possession, but let to others, tenants or tenant, to pursue, kill and destroy game, over such lands, without asking permission of the owner thereof." He should propose to omit the latter part of it.

Mr. *J. Smith* supported the amendment. If tenants were thus deprived of vested rights, some compensation ought to be given to them.

Mr. *S. Wortley* thought there might be some force in the objection taken, if it were assumed, that landlords were necessarily litigious. But he could not consent to such an amendment; for it was taking the right of shooting from the landlord, and giving it, in effect, to the tenant solely. The landlord would be placed by it in a much worse situation than he stood at present. He would venture to say, that if this clause were passed, without the words objected to being retained in it, he should be kept off his own land for all purposes of sporting, for several years to come.

Mr. Alderman *Heygate* was satisfied of the monstrous injustice which the clause in its present state was calculated to produce. What security had tenants that landlords would behave in so gentlemanly a manner, or in a way so little litigious, as the hon. member for Yorkshire seemed to suppose? Inasmuch, indeed, as this bill would enable all tenants, whether qualified or unqualified, to sport over the land in their occupation, so far the landlord would be placed in a worse situation by this bill than he was before; but that was no reason for retaining the clause.

Mr. *Goulburn* supported the rights of the lords of manors, which the bill at present did not sufficiently protect.

Colonel *Davies* thought there could be no good in holding out any inducement to tenants to quarrel with their landlords. Tenants might as well be at once permitted to sport over the lands they occupied, to the exclusion of the landlord, as landlords be left in the prejudiced situation which this proposition would leave them in.

Mr. *F. Lewis* suggested, that if a tenant were legally qualified to kill game, he ought to be allowed to possess the right, notwithstanding this bill, in any case where it was granted by his lease. The lord of the manor ought to enjoy a concurrent right. A clause, he thought, might be so worded, as to avoid the difficulty at present started.

Sir *J. Shelley* instanced his own case, and argued, that if the clause passed, as it was now worded, he should be ousted of an important right, for which he had paid a considerable sum.

Mr. *Bernal* could not consent to any compromise like that proposed by the hon. member for Beaumaris.

Colonel *Wood* was of opinion, that if the landlord possessed the right of shooting now, he ought not to be deprived of it. Nevertheless, he supported the amendment, because it was only just to preserve equally the right of the tenant.

Lord *Binning* said, that as the question was intricate, it ought to be left for decision on a future day.

Sir *J. Wrottesley* maintained, that there was no intricacy at all in the point. He was of opinion, that to retain the words would be virtually to give the landlords a power of altering half the leases in the kingdom; for it was as much a matter of course, where there was no express stipulation in the lease to the contrary, for the landlord to concede to the tenant a right of shooting over the land, as of growing upon it crops of wheat, barley, or other corn, or of fishing in any waters that ran through it.

Sir *T. Acland* thought it was necessary to give landlords some protection, otherwise they would not be in a better, but in a worse situation. He was inclined to leave the parties as nearly as possible in the state in which they at that moment stood. He would not confer upon the landlord any new right, nor allow the tenant, upon whose farm the owner might at present come under the terms of the lease, to warn him off. He wished a declaratory clause upon the subject, to be introduced into the bill. In leases in general, the landlord reserved the right to sport; but old ladies, and infirm persons, did not always insert a clause for this purpose. As the law stood, the landlord enjoyed certain valuable privileges, and the House ought not, with a suicidal hand, to destroy them.

Mr. *J. Martin* said, he had supported the bill in principle originally; but, if this clause were inserted without amendment, he would vote against the measure in every future stage.

Mr. *S. Wortley* expressed his readiness to postpone the further consideration of the clause until another day. He was satisfied that it ought to be introduced into the bill in its present shape, in order that justice might be done to all parties. He proposed that the Chairman report progress, and ask leave to sit again.

The Chairman accordingly reported progress, and obtained leave to sit again.

HOUSE OF COMMONS.

Friday, March 26.

Wool—Petition against Exportation of British.] Mr. *S. Wortley* presented a petition from the wool merchants, manufacturers, and others of Halifax and its neighbourhood, against the exportation of British Wool. He hoped that government would, at least, so far relax the system they were about to adopt, as to allow the parties a protection, in order to enable them to compete with the foreign manufacturer.

Lord *Milton*, not having hitherto had an opportunity of expressing his opinion upon this subject, hoped to be allowed to say a few words, intimately connected as he was with the county of York and the petitioners. It was true, that great alarm prevailed in the West Riding upon this subject, but he thought it was unfounded, and that no danger would arise from the unrestricted competition proposed by the chancellor of the Exchequer. Perhaps, however, it might be right to afford the manufacturers some degree of protection; not because it was required, but because it would quiet apprehensions and give satisfaction. When the petitioners spoke of the export of British wool, he believed it would never take place. It was the duty of members, who held that their constituents were mistaken, to endeavour to undeceive them, and remove the delusion. In his view of the question, the mercantile and manufacturing part of the community was more than any other interested in the removal of all restrictions upon free trade.

Slave Trade Piracy Bill.] Mr. Secretary *Canning*, in moving the third reading of this bill, said, he was desired by his hon. friend, the member for Bramber (Mr. Wilberforce) who was unable to attend from indisposition, to state, how much he regretted that he could not be present on this occasion, to express his joy at what he considered the accomplishment of the great object, for the attainment of which he had so long laboured.

Sir *J. Mackintosh* said, he could not let the present opportunity pass without congratulating the House and the friends of the abolition generally, on the success which had attended a measure which he had seen so long opposed. Looking back at the difficulties with which its friends had had to encounter, he could not at one time have thought it possible that they should have been overcome in such a comparatively short time. In the early part of his life, he had seen the measure combated, in and out of that House, as one which it would be most dangerous and most unjust to pass. He had seen the slave trade defended as a legitimate trade, and he now lived to find it where it ought to be placed—amongst the number of capital crimes. He had heard merchants advocating it as a source of national wealth, and gallant admirals defending it as a source of naval strength; he had heard it supported and justified as a trade which rescued the negro from the cruelty of his African enemies, and conferred a blessing on him by transporting him from that inhospitable shore, to the paradise of our West-India Islands. One gallant officer, indeed, had gone so far on the subject, and thought the situation of the enslaved African so enviable, as to have expressed a regret, that he himself had not been born a negro. He remembered to have heard it stated, that the question of abolition was supported only by a set of political incendiaries and religious enthusiasts: but, a set of virtuous men, by perseverance, had triumphed over all these obstacles, and now the trader in slaves was justly held up to the execration of the civilized world. The crime of man-stealing, which had stood without punishment in any European code, was now justly classed amongst those which were to be visited with the severest punishments; and it was to the credit of his hon. and learned friend, the member for Winchelsea (Mr. Brougham) that he was the first man by whose exertions that crime had been so classed; and though the versatility of the mind of his hon. and learned friend had fitted him for almost every kind of public business, and his genius had qualified him to undertake those of the most arduous nature, yet he believed there was no act of his public life which would reflect greater credit on his memory than this. It was also a source of great satisfaction to him to perceive, that by the treaty about to be finally concluded between the two British nations on both sides of the Atlantic, they would shortly enter into such arrangements as would be likely to shame mankind out of this horrid traffic. It was satisfactory to perceive that while the Americans were emulating the maritime glory of their ancestors, and were not less jealous of their national honour, they had yielded on two important points to the cause of humanity [The hon. and learned gentleman was proceeding, when Mr. Canning intimated to him, that the other House were waiting to have the bill sent up to them]. He then observed, that in consequence of what had been communicated to him, he would not delay the House any longer.

The bill was then read a third time, and passed.

COMPENSATION TO OFFICERS IN COURTS OF JUSTICE.] The House having resolved itself into a committee, to consider of the propriety of granting Compensation to officers for losses in consequence of the County Courts bill,

The *Attorney General* said, that compensation had been rendered necessary by the bill introduced by the noble lord opposite (Althorp), for the regulation of County Courts. He had no intention to throw obstructions in the way of that measure: but if an important public benefit were to be conferred, it ought not to be at the expense of private individuals. Offices in courts of justice were not saleable, generally, by several ancient statutes; but there were exceptions, and by an act of Henry 6th, places in the gift of the Chief Justices of the courts of King's Bench and Common Pleas, were allowed to be sold. From that time to the present, therefore, they had been purchased, and even so lately as the year 1809, the provision of the statute of Henry 6th, was recognised and confirmed. In the report of the commissioners, on the fees of courts of justice in England, printed in 1818, special mention was made of the office of chief clerk of the court of King's Bench, as a saleable appointment, and it was considered as forming part of the emoluments of the chief justice of the King's Bench. Whether that judge ought to be allowed to derive a part of his salary from such a source was not now the question. The office of chief clerk was a very valuable place, returning about 7,000*l.* per annum. Shortly after the appointment of the late lord Ellenborough, the chief clerk of the court of King's Bench died, and his lordship, as the appointment vested in him, was offered no less a sum than 80,000*l.* for the office, but his lordship preferred making a grant of it to his son. He was given to understand, that almost the whole patrimony of the noble lord who now held the place was derived from this source. It was needless for him to refer to the eminent services of the late chief justice of the court of King's Bench; for, if the sale of this place were looked upon as part of the just and legal emoluments of that high station, it would be extremely unjust, not to say ungenerous, to pass a bill depriving the present possessor of the office of chief clerk of his patrimony, without making him an adequate compensation. The three prothonotaries of the court of Common Pleas were in the same situation. Those offices were coeval with the establishment of the court, and they had been always sold by the chief justice for the time being. The general amount of purchase money was about 10,000*l.* The prothonotaries were obliged to provide clerks, and regularly and personally to attend. Though on the first impression it might appear injurious to the administration of justice, that such offices should be saleable, yet it had not been found so in point of practice. He would undertake to say, from his own knowledge and observation, that the duties of these offices had been discharged with the same fidelity, punctuality, and diligence, as the functions of other offices in the gift of individuals, and which by law could not be sold. It was not to be forgotten, that the individuals to whom he referred had a freehold in their office, and that they were charged with taxes to a considerable amount. He also claimed compensation for the secondaries, who were appointed by the prothonotaries. They paid for their places; held them as freeholds; and their emoluments would be materially affected by the County Courts' bill. Another office, the fees of which would be reduced, was that of the master of the two sides of the court of Exchequer, the duties of which were performed by deputy; Mr. Rose had a freehold in that place which was saleable, and for which compensation ought to be made. Compensation was likewise due to an individual from whom he had received a letter, which if he read, the House would immediately allow the justice of the claim. His office was that of senior attorney and secondary of the court of Exchequer. He was a person advanced in life, and his emoluments, it was calculated, would be reduced by the bill to one-fourth of the present amount. Another class of officers entitled to compensation were the prothonotaries of the courts of Great Session in Wales. These officers had purchased their offices; had vested rights in them; had establishments to keep up for the performance of the duties; were charged to the land-tax; and had, in every other way, been considered as possessors of freeholds. On these grounds it was, that he claimed compensation for them; and it was calculated, that as the writs issued would be diminished by one-fourth, there would be a proportionate diminution of their gross income, while many of the charges now imposed upon them remained undiminished. He had made inquiries concerning the office held by lord Ellenborough, and he found, that if the bill passed without a clause for compensation, he would lose 1,500*l.* a year. To lay a ground for compensation, he had only to state the question in this manner: if the office were taken away altogether, for the public advantage, there could be no doubt that a compensation would be given to those who had a life interest: If then for the same purpose, not all, but a half or a quarter of the emoluments of those offices were taken away, by a parity of reasoning, a compensation, in proportion to the loss, was due. He was happy, too, to be able to state, that the whole amount of compensation which the House would be called on to grant in this manner would not amount to more than 5 or 6,000*l.* a year; a sum small, in comparison with the benefits which would be conferred on the country by the bill of the noble lord. It had been said that the principle of granting compensation in this manner had been condemned by committees of the House. He should show on the contrary, that the principle of compensation in such cases had been uniformly sanctioned by committees and by the House itself. The finance committee of 1798, in its reports on the officers of courts of justice, expressed its opinion, that wherever alterations were made in the constitution of courts of justice, or any changes introduced to make legal proceedings less burthensome to suitors and the public, compensation should be made to the holders of the patent offices, which, though in other points of view materially useful, were in great part supported by the fees on the business they performed. The Report of the commission of 1740, of which lord Hardwicke was a member, was quoted by the committee of 1798, and it recommended, that whenever ancient fees should be abolished, compensation should be made to the officers by whom they were received. If, to put a parallel case, the noble lord thought it for the public benefit to abolish the unnecessary proceedings in the transfer of a certain description of property—copyhold property, and to abolish the fines, reliefs, heriots, &c. on admissions, would he not think it necessary to give compensation to the lords of manors? All property depended upon the laws; and the particular kind of property which was affected by the bill of the noble lord, had been sanctioned by repeated acts of parliament, and particularly by the act of 1809.—But it would be said, that it was necessary to see how the House had acted in similar cases. From the time of William 3rd parliament had been in the habit of granting compensation for the loss of fees. By the 6th of William 3rd a particular writ, called capias pro fine, which was deemed oppressive, was abolished; but parliament felt that it could not take away the fees without compensation to the officer; and the fees were directed to be paid as if the writ had issued. In 1803 a bill was brought in to alter the mode of proceeding in the court of Exchequer in Ireland, and a particular class of officers being affected by this alteration, a clause was inserted in the bill to prevent the officers from being injured by the change. The preamble of that clause of the bill might be without alteration applicable to the present bill; it declared, that whereas the lawful fees and emoluments of the parties might be reduced, it was just and reasonable that compensation should be made. There was another case —that of the court of Requests in the borough of Southwark—which was exactly parallel to the present bill. The court of Requests had only jurisdiction at first to the extent of *2l.*, but it was raised to *5l.*, and it was thought that this extension of jurisdiction would diminish the amount of business of the court of Marshalsea, and accordingly it was directed, that *50l.* a year should be paid out of the fees of the court of Requests to each of the four Counsel of the court of Marshalsea. Now, this was precisely parallel to the noble lord's bill. The transfer of business effected by this bill, would carry fees from the courts of Westminster-hall to the County Rates or the Consolidated Fund, according to the ultimate destination directed in the noble lord's bill, and out of one of those funds, according to the precedent of the Southwark court of Requests' bill, compensation should be made to the officers who suffered by the change. There was another case in the granting of leases under the Crown. It was formerly the practice, that leases granted by the Crown should be issued from the Exchequer. It was deemed, that it would tend to the improvement of the administration of the revenue, if the leases were granted in the ordinary way; but, in effecting that public benefit, it was not thought fit that individuals should suffer, and lord William Bentinck, who held the office of engrosser of writs in the Exchequer, and who was injured by the change, received compensation under the same act. In the bill for regulating the court of Common Pleas in Ireland, the prothonotaries, who are sinecure officers, received compensation for the loss of fees; and, in an act of parliament as recent as the last session, the same principle was established; for, in that act, founded on the report of the commissioners on the fees of courts of justice, the judges of the courts of King's Bench and Common Pleas were authorized to regulate the fees of their courts; but it was directed, at the same time, that as it was possible that officers of the courts might suffer loss, they should report what compensation should be made. The hon. and learned gentleman, after recapitulating the grounds on which he urged the motion, moved a resolution,

"That it is the opinion of the committee, that his Majesty be enabled to grant an annual sum out of the consolidated fund of the United Kingdom of Great Britain and Ireland, by way of compensation, to be paid to the present chief clerk on the plea side of the court of King's Bench in England, the clerk of the rules, and the clerk of the papers of the said court; the present prothonotaries, secondaries, and filacers of the court of Common Pleas in England; the present master, senior attorney, and secondary of the plea side of the court of Exchequer in England; and the present prothonotaries of the courts of Great Sessions in Wales; for any deficiency in their lawful fees and emoluments that may arise in consequence of any act that may be passed in the present session for the more easy and speedy recovery of Small Debts in England and Wales."

Lord *Althorp* wished he had been convinced by the speech of the hon. and learned gentleman, not only because it was unpleasant for him to stand up to oppose a claim for compensation made in behalf of gentlemen with many of whom he was acquainted, but because he was aware, that, with a view to facilitate the passing of his bill, it would be good policy for him to accede to the motion. But he thought this principle of granting compensation for losses indirectly occasioned, could not be too strictly watched; and he thought the House should have more direct precedents than those adduced by the hon. and learned gentleman, before they saddled the country with the burthen. The only precedent in favour of the hon. and learned attorney-general, which could be at all considered as a direct one was, that of the compensation made to the counsel of the court of Marshalsea. But this, if not technically, was substantially a private measure. The compensation was not made out of the consolidated-fund. The officers of the court of Requests, who received more fees in consequence of their extension of jurisdiction, undertook to pay *50l.* a year to the counsel of the Marshalsea, who suffered by that change. The hon. and learned gentleman had referred to Ireland, but he would find in that country a precedent directly against the principle for which he contended. When the mode of proceeding by civil bill was introduced —which comprehended cases to a much greater amount than the present measure, he believed as high as 20*l.*—there was no idea of granting compensation to the superior courts. He did not think the hon. and learned gentleman was borne out in his analogy drawn from private property. If a man's landed property were taken for a public purpose, compensation was made to him; but if, by any measure taken for the public benefit, that property was incidentally rendered of less value, compensation was not made. For instance, if a new and shorter road was made between two towns, there was no compensation made to the owner of an inn on the old road for the loss of custom. This was a question of great importance to all future improvements in the jurisprudence of the country; for if every man who brought in a measure of improvement was to be assailed with claims for compensation, and obliged to saddle the country with salaries on account of every incidental loss of fees, it would operate very much to deter all such attempts. He, for one, though since he saw the advantages that might result from the bill, he should not now be deterred from urging it on by the claim for compensation, should have been very reluctant to propose it, had he foreseen that claim. He should move a resolution to put his sense of the subject before the House, though he should not press it to a division. He then moved as an amendment—"That it is the opinion of the committee, that no precedent exists for a compensation being made to persons holding offices for life in the courts of Westminster hall, for diminution of fees resulting from the establishment of courts for the recovery of small debts, and that the establishment of such a precedent is inexpedient, as it will go to impose fresh burthens on the people, whenever any measure of improvement is introduced in the system of jurisprudence.

Mr. *M. A. Taylor* said, he was friendly to the principle of the bill, but he could not consent to pass over the rights of individuals. Many of the persons who held offices in courts of justice, had given up professional pursuits for what they considered as freehold places. He was instructed to state the case of one very respectable individual, the county clerk of Durham, who was appointed by the bishop under patent. Though that office did not produce more than 200*l.* a year, it was as much a freehold as any of their estates. He hoped the noble lord would not risk his bill, which was calculated to be most useful to the country, for the sake of this 5,000*l.* a year. He should move to introduce the name of the county clerk of Durham into the resolution of his hon. and learned friend the attorney-general.

Sir *George Rose* stated the case of the clerk of the plea side of the Exchequer. His office had been executed by deputy: one half of the profits were paid to the deputy, and the principal paid the whole expense of the establishment. According to the best calculations, the bill will reduce the receipts one-fourth; so that it was obvious the condition of this officer would be anything but advantageous. This, he thought, formed no substantial objection to the bill of the noble lord, the object of which was most laudable. Nothing could be more honourable to a man of the noble lord's rank, than to see him thus devote himself to the endeavour of procuring a freer and cheaper administration of justice.

Mr. *Littleton* was sorry the noble lord did not accede to the claim for compensation, which appeared to him so just. As to the clerk of the court of King's-bench, the late lord Ellenborough had his mind so fully impressed with the sacredness of that office, that he left it to his son, and left him little else besides the income of it. Nor was it surprising that the late lord chief justice should have felt so confident, after the uniform language of commissions and committees. He reminded the noble lord, that there was never a case in which a bridge was built, but compensation was made to the owner of a ferry, if the ferry was injured by it, even though the bridge was not built on the land of the owner of the ferry. He thought however, that the House should take an early opportunity of revising the patent offices of courts of justice, which were the cause of great injustice to the other officers of the courts. The salaries of the chief justices of the court of Common Pleas and King's Bench were small, on account of the patronage of those offices. It so happened, that the late lord chief justice of the King's Bench was enabled to make a provision for his family, but the present chief justice was left with the reduced salary, and with no means of making any such provision.

Mr. *L. Foster* supported the amendment.

Mr. *R. Smith* said, that if compensation were not granted to these officers, they would be placed in a worse situation than if the offices were wholly abolished. In the latter case, they would be able to turn their talents into a different channel, whereas, in the present case, they were left sticking in their offices, while half their emoluments were taken away.

Mr. *Bankes* thought, that, in point of principle, it was just that a fair and adequate compensation should be made to the holders of patent offices, whose incomes might be deteriorated by the effect of any legislative measure. Among the cases, however, which had been cited by his hon. and learned friend, the compensation which had been granted in Ireland appeared to him particularly objectionable, on account of the extravagant terms on which it had been made. He considered that case as one of the grossest abuses of the principle of compensation which had taken place even in Ireland; where there had been so many instances of improvident compensations granted at the time of the Union. Admitting the principle to be just that compensation ought to be made to the holders of patent offices, if the value of the offices were affected by an act of parliament, he thought, at all events, they ought not to legislate before it was ascertained to what extent the profits of offices would be diminished, or whether in point of fact, they would be diminished at all. The resolution proposed by the hon. and learned attorney-general was altogether premature. It would be better to allow the act to continue in operation for twelve months; by which time its effect on the value of these patent offices would be ascertained, and the House would be in a condition to grant a fair and adequate compensation.

The *Solicitor General* agreed with the hon. member for Corfe Castle, that the amount of compensation could not be ascertained by anticipation; but, they were now discussing the preliminary question, whether any compensation should be granted? He should be ever ready to give his support to any measure which was calculated to effect a reform and an improvement in the administration of public justice, but it was necessary, at the same time, to protect most scrupulously the rights of property. That House was the asylum for reform; but it was also the sanctuary for the principles of property. The principle of compensating individuals who held offices, the value of which might be affected by a change of the law, had always been recognised by that House. Suppose the mode of authenticating wills were abolished, would not the persons who held offices of profit in the ecclesiastical courts be entitled to compensation? If the form of passing real property by fines and recoveries, or if the registration of deeds in the counties of Middlesex and York were abolished, would not the persons holding those offices be entitled to compensation? The principle of compensation ought certainly to be circumscribed within just limits; and he thought the office in the palatinate of Durham, to which the hon. gentleman opposite had called the attention of the committee, came within those limits.

Mr. *Abercromby* said, he should be happy if he could bring himself to accede to this principle of compensation, but he had not been able to come to that conclusion. It had occurred to him at first, that there was a reasonable distinction between those offices which were the subject of purchase, and those which were not; but, upon further reflection, he saw no sound reason for that distinction. His hon. and learned friend had said that there was an implied compact between the officers and the public. He admitted that there was such an implied contract, to a certain extent; for instance, they had no right absolutely to abolish an office without compensation during the holder's life, or if a man had been accustomed to receive 2*s.* 6*d.* as a fee, they had no right to reduce it to 1*s.* It would be a great public evil, however, if no measures could be taken to effect an improvement in the administration of justice because the indirect effect of those measures might be to diminish the quantity of business brought to the offices of those individuals. If such were the nature of the contract, no time ought to be lost in giving notice to all future purchasers, that such a claim would not hereafter be recognized. The holders of these offices were not the only persons whose interests would be indirectly affected. His hon. and learned friend, the attorney-general, was aware that there were a great number of individuals who had embarked a considerable capital in the expenses of a legal education, under the supposition, that the court of King's Bench would retain all its present business. If these persons were to make a claim on that House for compensation, would not the House laugh such an application to scorn? Yet, in point of fact, there would be no difference between such a claim, and that of the holders of offices, for there was no specific contract, on the part of the public, in either case. The alteration of a road by an act of parliament, which, from time immemorial, might have passed through a particular village, had often reduced many families to poverty ; but was a claim for compensation ever heard of in such a case ? The objections which had been made to the resolution by the hon. member for Corfe Castle, in point of time, were, in his opinion, unanswerable. Nothing could be more preposterous and unjust than to shew such extraordinary tenderness to these individuals, on a mere speculation, that certain consequences would ensue, and that they were therefore entitled to a certain amount of compensation. These consequences might never arise ; and if these individuals got the compensation for an anticipated injury which they might never suffer, he should be glad to know how the country was to get it back again.

Mr. *Sykes* said, he had considered this to be a measure which was calculated to produce the greatest benefit to the country ; but, if the principle of compensation were carried to the extent contended for, he believed no advantage whatever would be derived from it. Claims would be preferred by all the holders of places of special jurisdiction throughout the kingdom. At the present time, and under the present circumstances, he thought the claims for compensation perfectly unreasonable. If the measure must be clogged with this principle of compensation, it had better be abandoned ; for under such circumstances it would lose its character with the public. He thought the claim quite unreasonable.

The *Attorney General* said, that he meant to construct a clause in the committee on the bill, which would, he was convinced, obviate all the objections; but he could not frame such a clause, unless his present resolution was agreed to. It was merely to pave the way to such an arrangement that he proposed this resolution. As to the objection, that there would be no limit to the number of claims, no offices would be entitled to compensation, except such as were specifically included in this resolution. He should include the office to which the hon. member for Durham had alluded ; because it would be a hardship on the officer who held it if a compensation were not granted to him, and it would make no material difference in the sum which he proposed to apply to these compensations.

Mr. *Hume* thought the resolution ought to be amended by a declaration, that it should not be lawful for any chief justice, or any other person, to sell or dispose of any of those offices for which compensation was proposed to be given. He wished to know whether it was the intention of the attorney-general to introduce such a clause ?

The *Attorney-General* said, he certainly did not intend to propose any clause, that would tend to restrict the emoluments of the chief justices.

Mr. *Hume* said, that they ought to be paid by direct salaries in a sufficient manner, and not by the sale of offices.

Lord *Milton* could not assent to the principle of purchasing the right to effect a great public improvement in the administration of justice. Let the grievance first be redressed, and the inquiry into individual and incidental injuries follow. He agreed with the hon. member for Corfe Castle, that they ought not to legislate on this subject by anticipation. If the suitor was offered a better mode of redress in one court it was natural that the fees of the officers in the other courts should be diminished pro tanto ; and, speaking upon principle, if they compensated at all, they should extend the compensation to all officers, and not confine it merely to the rich and powerful, whilst they passed over those who had not equal facilities to make their voice heard in Parliament. But he was opposed to the principle of compensation altogether, for he thought there was no reason why allowances should be made to persons who might happen to be incidentally injured.

Mr. *Abercromby* was desirous to know for what length of time these compensations were to be carried on. If his hon. and learned friend should answer, that they would terminate with the life of the present officers, then would arise the question respecting the chief justice; for if the emoluments of these officers should be diminished, he would of course receive proportionally so much less for them when they fell within his disposal.

The *Attorney General* said, it was his

intention to confine the compensation to the lives of the present holders of the offices, and not to extend any remuneration to any beyond those with whose lives the interest should expire. With respect to the latter point, there was a precedent by which he meant to be guided. A question had arisen some years back, with respect to the right of selling the office of master in chancery in Ireland. It had been doubtful, whether such a right did in reality exist; but it was found to have been sanctioned by long usage. And what did Mr. Ponsonby propose to do? He brought in a bill to prevent the sale of the office in future, only allowing those who had purchased the office the privilege of selling it; because it would have been hard to prevent them from so doing. So that here he had a precedent, by which he was justified in stopping at the precise point he proposed.

Mr. *M. A. Taylor* then proposed the addition of the name of the county clerk of the County Palatine of Durham.

Lord *Althorp* said, that if compensation were to be granted to any man, no one had a better right to it than this gentleman; since a considerable portion of business would be taken out of his court by the operation of this bill.

The proposed addition was agreed to. After which, the amendment moved by lord Althorp was negatived, and the original resolution agreed to.

County Courts Bill.] The House having resolved itself into a committee on this bill,

Lord *Althorp* then rose, and proposed an amendment to that part of the bill which provided for the appointment of assessors to the sheriff. As the bill now stood, the right of appointment was vested in the Custos Rotulorum, and the amendment which he meant to propose was, that the appointment should belong to the Crown. This amendment, he proposed, as the best mode of preventing any vexatious contest, wherever a vacancy occurred, red, and an appointment became necessary.

Mr. *Sykes* objected to the amendment, and proposed that the appointment should be vested in the sheriff, or the going judge of assize.

Mr. Secretary *Peel* suggested the necessity of having the appointment of the assessors vested in responsible hands. The office of sheriff, annual in the person who held it, was not one to which the House should attach the responsibility of such an appointment. It was equally objectionable to make the judges of assize responsible for the acts of others. Was it politic to make the bar dependent on a judge of assize? It was of importance to provide that these assessors should be men of learning, and above suspicion in the administration of justice. Even a few inefficient appointments would throw odium on the whole establishment. He recommended the propriety of limiting the number of assessors, and extending their labours over a greater space. In the place of seventy individuals in the counties, the establishment might be limited to seven or eight, receiving, no doubt, larger salaries, but possessing the requisite knowledge and character, to ensure an efficient and unsuspected discharge of the duty.

Lord *Althorp* considered the suggestion of the right hon. secretary impracticable. It was the object of the bill to provide for the holding of the sheriffs' courts four times a year in different towns in each county, in such counties as Yorkshire and Lancashire, such an arrangement would give the assessor full employment for the whole year.

The *Attorney General* defended the practicability of the suggestion of his right hon. friend. Persons competent to discharge such duties could not be procured under 500*l.* per annum. If the number were to consist of seventy assessors, that would entail an expense upon the county rate of 25,000*l.* It could be so managed, that a much less number, by dividing the county into circuits, might discharge all the duties.

Mr. *R. Smith* suspected that the attorney-general under-estimated the labours of these appointments. He suggested the propriety of the postponement of the clause, in order to allow gentlemen on both sides to give it further consideration.

Mr. *Bennet* was favourably inclined to the proposition of the right hon. secretary. He thought it would be destructive of the independence of the bar, to divide seventy places of 500*l.* a year each among its members.

Lord *Eastnor* did not see any reason why these places should be filled by barristers exclusively. There were many gentlemen residing in the country, whose education fully qualified them to perform any duties which the office might require.

Mr. Secretary *Peel* instanced the appointments of assessors in Ireland, where experience proved, that those who were removed from all local connexion, discharged the duties the most efficiently.

Mr. *Hobhouse* said, that having been a member of the committee employed in preparing the bill, he felt, from the first moment, a firm determination not to give to the Crown the appointment of seventy new offices. Indeed, he was much indisposed to open to the bar any increase of offices, in whatever hands the patronage might be placed. But, feeling how much the existing abuses in the administration of the law relative to the recovery of debts stood in need of an efficient corrective, and thinking that the present bill afforded that remedy, he thought it better to damage the integrity of the bar, than allow the existing evils to continue. But, speaking without any inclination to give offence, he did not believe that the vaunted integrity of the bar was in danger by the proposed total of 35,000*l.* That could not be much endangered, which scarcely existed; and he sincerely believed there was not any great stock of integrity at the bar. On a future occasion he should take the opportunity of showing what, in his opinion, had put an extinguisher upon the independence of the bar—how patronage was heaped on the profession, how its honours, such as silk gowns, &c. were bestowed and refused. With respect to the proposed reduction of the assessors, as suggested by the right hon. secretary, and the increase of salaries to the few, he had a decided objection to it, inasmuch as such situations would then become the object of attraction to that class of lawyers (already too numerous) who set up their abilities to sale. When the allowances were small, and conferred on local barristers, who had the respect of their vicinity to look to, there did not exist that allurement to dishonesty, which he feared would be found in the other case. And, as to the necessity of great learning in the law, it was to be recollected, that all the decisions, under the bill, were to be made by a jury. He saw no ground whatever for taking the appointment of the assessors from the Custodes Rotulorum.

Mr. *Bernal* said, it was necessary that the assistant barristers, or assessors, should have a competent portion of legal knowledge. It was not unfrequently the case that actions for 10*l.* comprised points of as much legal nicety, as were mooted when the suit was for a much larger sum.

Mr. *Peel* suggested, that the Crown ought to be invested with the power of consolidating two or three of the smaller counties; leaving the large ones to be furnished each with an assessor.

Mr. *Bennet* entirely objected to the interference of the Crown.

The clause was then, by consent of the committee, postponed.

On reading the clause, providing, that justices of the peace should order the sitting of the court,

Mr. *Hobhouse* adverted to the petition which he had presented against the bill from a number of his constituents, complaining, that if it were enacted in its present form, they would be subjected to considerable inconvenience and a ruinous expense, since they might be compelled to follow their debtors into the remotest parts of the island. He was anxious that some amendment should be introduced into the bill, by which so serious an evil might be averted; and would therefore propose that the following words should be inserted in this clause:—" And that all such actions shall be brought and prosecuted in the district or districts where the debt is contracted."

Mr. *R. Smith* suggested the addition of the following words, to the proposed amendment,"—" or where the defendant resides."

Mr. Hobhouse consented to this addition to his amendment; but, after a few words from the attorney-general, it was agreed that the further consideration of the whole clause should be postponed. On the clause, limiting the debts to be recovered in the County Courts to ten pounds,

Mr. *Lockhart* maintained, that the sum was much too small. He wished that 40*l.* could be substituted for 10*l.*; but he should be satisfied if 20*l.* were so substituted; and he moved an amendment to that effect.

The *Attorney-General* observed, that as the bill was an experiment, and was, in fact, a great change in the law, it would, in his opinion, be much better for the present to confine the sum to 10*l.*

It was agreed, that the further consideration of the clause should be postponed. On the clause, enacting, that the assessors should appoint the clerks of the court,

Mr. *Portman* suggested, that the amount of the security which the clerk of the court was called upon to give, ought to be specified.

Lord *Althorp* observed, that as the sums which would be paid into those courts were not likely to be great, moderate security would be sufficient.

The clause was then agreed to.

Mr. *Hobhouse* objected, on behalf of his constituents, to the clause which went to contract the period assigned in the statute of limitation.

The *Attorney-General* said, that, in his opinion, the bill as then framed would by no means answer the purpose intended; namely, that of creating courts of summary jurisdiction for small debts. In the first place, it precluded reference, by which the courts of Westminster-hall contrived to get rid of the most perplexing cases of disputed accounts. The process was to be by plaint, instead of the declaration used in the higher courts, which was to be answered by a plea; and both plea and plaint were to be professionally drawn; the suit was to be prepared by solicitors, of course of very low rank and practice, and conducted by counsel. Each case would therefore be open to all the artifices by which causes were perplexed and lengthened in the superior courts, and this by the very lowest practitioners. The bill would be utterly useless in the end, unless the noble lord consented to the introduction of a clause to prevent solicitors and counsel from interfering with the process, and to substitute in their place a power given to the assessors to cross-examine witnesses, and then submit the question to the jury.

Lord *Althorp* did not know how he could meet the views of the hon. and learned gentleman, because, as it appeared to him, if parties could not appear by solicitors, they must be required to appear in person. If this were to be the rule, there would be danger of unprincipled plaintiffs suing gentlemen wrongfully, with the certainty, that they would not think it worth while to appear merely for the sake of the fines. However, if the right hon. gentleman could frame a clause to meet this as well as his own view of the subject, he would gladly support it.

Colonel *Trench* mentioned a case of two solicitors in one of the counties, who had contrived to swell the number of suits since 1815, from an average of 82 per annum, at which it stood before, to upwards of 400, preying upon their own clients in case of defeat or loss of costs; and out of 1,300 or 1,400 cases, they had not pressed more than 15 to final judgement.

The chairman reported progress, and obtained leave to sit again.

WOOL DUTIES.] The House having resolved itself into a committee on the Customs acts,

The *Chancellor of the Exchequer* said, that at that period of the night, he should not detain the House for any length of time; but, as it was extremely desirable that the precise nature of the proposition he had to make with respect to these duties should be before the House, and as he could not make that proposition but in a committee, he would avail himself of the present opportunity of so doing. Afterwards, when a bill should have been founded upon the resolution which he had to propose, it would be competent to gentlemen to discuss the subject. What he had then to propose was this; that, instead of repealing the existing duties on wool immediately, or on the 5th of July next, as he had originally intended, the reduction should take place by degrees. He had submitted the proposition to some of those persons who were most interested in the measure, and they considered that it would be the most convenient mode of effecting the object he had in view. He should move, therefore, that the duty of sixpence in the pound should be reduced to one penny in the pound, but in the following manner:—that it should be reduced on the 10th of September next from sixpence to threepence; and on the 10th of December next from threepence to one penny. He should also move, that on the latter day the present prohibition on the exportation of raw wool should be entirely removed, as well as that upon certain articles of wool, which were so loosely manufactured, that they could be easily converted again into wool, and ultimately into cloth. By way of protection, however, to the trade in these articles, he proposed to place a duty of 2*d.* in the pound on the exportation of raw wool, which was more than he had originally intended; and upon those articles which were loosely or partially manufactured, a duty of 16 per cent upon the amount of their value; which would, upon the average, be about the same as 2*d.* in the pound upon the raw article. As he did not intend to take off the duties instantaneously, he thought it would be unnecessary to return any part of the present duties to the holders of wool, because they would have a fair opportunity of getting rid of their surplus. The right hon. gentleman concluded by moving resolutions to the effect contained in his speech.

Mr. *Bright* objected to the discussion of this subject in the present state of the House.

Mr. *Calcraft* said a few words to the same effect. He was one of those who did not consider it was expedient to concede the exportation of long wool. If, however, the right hon. gentleman thought it was necessary that his resolution should now be carried, he would not press his opposition, because other opportunities would occur for his expressing his opinion.

Mr. *Western* expressed an opinion, that the duty proposed on the exportation of long wool was too high, and would therefore operate as a prohibition.

The *Chancellor of the Exchequer* replied, that if he could have acted entirely as he had wished, he should not have imposed so high a duty; but it was thought, that when a system of laws which had been long cherished with what he confessed he considered a mistaken veneration, was about to be abrogated, something was due to the interests of those who imagined they would be affected by the proposed measure. He therefore thought that it would not be inconsistent with the policy of the government to concede something to the notions of those persons; and for this reason it was, that he had acquiesced in the duty of twopence, instead of the almost nominal duty of one penny. He flattered himself that he had succeeded in allaying the apprehensions which had been entertained on this score, although he was not convinced that there was any reason for them. He believed that, if the long wool were exported without any restriction, no ill effects would result, because that wool would always be cheaper here than any where else; and that if the duty were taken off foreign wool, it would more than compensate our manufacturers for the seeming disadvantage, and prevent the foreign manufacturers from availing themselves of it to any extent. He knew it was said that there could be no great benefit attending this experiment. If, however, it should appear, when the measure came to be put in practice, that the duty did really amount to a prohibition, it would be necessary to apply to the House to remedy that inconvenience. At all events, it was wise in the first instance, to put on a duty even higher than he could have wished it to be, in order to prevent any of the ill consequences which might attend the opening of the trade. The plan would then operate not at once, but gradually; and, he trusted, could afford no one just ground of complaint.

Mr. *Western* said a few words in approbation of what the right hon. gentleman had stated.

Mr. *S. Wortley* objected strongly, that that description of wool which was the peculiar growth of this country should be exported, in such a way as would enable the foreign manufacturers to compete with us successfully. All the petitions he had presented to the House looked at this subject in the same way. With respect to the duty which was to be imposed, he must take leave to tell his right hon. friend, that he did not look upon it either as a prohibition or as a temporary measure. The manufacturers of wool, his constituents, claimed as a right, that their trade should be protected to that extent, as far as it was connected with the article which was the exclusive produce of England. All that they sought was, a protection equal to the disadvantage they were likely to sustain by the exportation of that article; they said—"Give us this, and we are quite willing to enter into competition with the rest of the world." He understood it was not expected that much raw wool would go out of the country, but that a great deal manufactured into yarn would. The manufacturers were very anxious to have a little more time for the purpose of looking about them. He hoped his right hon. friend would give them six months longer than he had proposed, and not carry his resolution into effect until the 5th of July, 1825.

Mr. *Cripps* regretted the discussion of this important question at that time of night. In the county of Glocester long wool happened to be the growth, and not the manufacture of the county. He believed that the whole produce of the country was not more than was necessary for the employment of the artisans engaged to work it up; and this he took to be the strongest argument against the expediency of permitting its exportation.

Mr. *W. Smith* objected to discussing this important question further in the present stage, and at that late hour, when so many members had gone away, under the expectation that the resolution would not be brought forward. Enough had been already said to create alarm, and enough could not now be said to allay it. Many of his constituents were materially interested in the question, as far as regarded long wool; and they would certainly think it most extraordinary, that a resolution of such consequence had been brought forward after midnight, and when there were not forty members in the House. Whatever was now stated ought to be only in the way of exposition, and not in the way of debate; for it was impossible properly to discuss the subject at present.

Mr. *Calcraft* explained why he had commenced the discussion. The question was one of the highest importance, and the public attention ought to be directed to it in the first instance, however late the hour, and however thin the attendance. The object he had in view was, to give the resolution the utmost publicity; and he trusted that enough had been done not to create alarm, but to call attention out of doors to the measure, and to let the public know that the preliminary stage had been passed through. It seemed that the manufacturers were, to a certain degree, satisfied with the change of duty proposed by the chancellor of the Exchequer: at least honourable members expressed themselves tolerably well contented on the part of their constituents. It was necessary that the matter should be distinctly understood, and he wished, therefore, to hear from the chancellor of the Exchequer, whether the two-pence per pound was to be considered a permanent or a temporary duty. At first the right hon. gentleman had spoken as if it were to be permanent, yet afterwards, in answer to the hon. member for Essex, he had appeared to intimate, that it was only to be temporary, in order to try the experiment.

The *Chancellor of the Exchequer* admitted, that no doubt ought to be left upon the point. The footing on which he put it was thus:—if the export of wool were to be allowed, it ought not to be so clogged by a duty as to render the permission inoperative. He proposed the duty of two-pence, because it was fair and reasonable towards those who were interested, and whose apprehensions were excited. It was not his intention to limit the time during which that duty should continue, nor would he undertake to say, that it should be lowered at any given date; if indeed it were lowered at all. What he said was this, that if it should be found in practice that the duty of two-pence per pound operated as an absolute prohibition upon the export, utterly inconsistent with the principle on which these measures were adopted, it would be fit that it should be taken off, because it was unfit that the prohibition should exist.

The resolution was agreed to.

HOUSE OF LORDS.

Monday, March 29.

Silk Trade.] The *Lord Chancellor* said, he had been requested to present a petition to their lordships from persons connected with the Silk trade, and against the bill now before their lordships. It was signed by 25,750 persons, all living in London and its neighbourhood, and it expressed their fears, that this bill would be ruinous to them if passed into a law. He could see nothing objectionable in the petition, and had therefore thought it his duty to present it to their lordships.

The Marquis of *Lansdown* said, it was not his intention, in the present stage of the bill, to enter into discussion concerning it; but he wished to state, that the opinions which he and several of their lordships had embodied into a report, and laid on their lordships' table, remained unchanged, and were consonant to the views on which his majesty's ministers appeared at present to be acting; though he would have no objection to have changed that opinion, and expressed that change, had he seen any good ground for doing so. As this was the first time the question was brought before their lordships, he wished to take that opportunity of doing justice to one witness who had been examined before their lordships' committee; and who was, by his most respectable character, as well entitled as any man, that justice should be done him. The individual to whom he alluded was Mr. William Hale; and he wished now to make it known, that a part of that gentleman's evidence had been purposely omitted, thereby making it appear that he was more friendly to the alteration now proposed than he really was. The mistake arose in this way: on a question respecting the facilities which would exist for the introduction of foreign silks, if certain regulations were dispensed with, Mr. Hale said, that great facilities would in that case exist; and he mentioned the names of several ladies who had availed themselves of certain facilities afforded to passengers to introduce foreign silks. Being asked, whether he thought that such facilities injured the trade, he replied, that he did not. He thought that this practice tended to keep up a taste for wearing silks, to extend the fashion, and thus to act as an encouragement to the home-manufacturer: he was therefore of opinion, that if this practice was not carried further than it had been, it would do no harm to the silk-trade. As it had been thought proper to order the names of the ladies to be expunged, the explanatory part of the answer had also been struck out; by which it appeared as if Mr Hale had stated generally, that facilities for the introduction of foreign silks would not be injurious. As this opinion had been attributed to Mr. Hale elsewhere, it was but justice to him to give this explanation. That gentleman had not stated any thing favourable to free importation, and continued to regard such a system as ruinous to the trade.

Ordered to lie on the table.

HOUSE OF COMMONS.

Monday, March 29.

WOOL DUTIES.] Mr. *Huskisson* presented a petition from certain wool growers, praying for a reduction of the duty on the importation of wool, the petitioners conceiving that the tax on the importation of that article was injurious to their interests.

Mr. *Bennet* complained of the duty on the exportation of wool having been raised from 1*d.* to 2*d.* at a late hour on Friday night, no opportunity having been afforded to those whose interests were affected by that alteration to petition the House against it.

Mr. *Curteis* said, the landed interest had been hardly dealt with by that measure. His constituents would certainly have petitioned against it, if sufficient time had been afforded them.

Lord *Milton* said, he had been no party to the alteration of the duty on exportation from 1*d.* to 2*d.*; he still, however, considered the measure a boon, as the exportation of wool had been prohibited altogether. He thought the hon. member for Sussex had no reason to complain of the landed interest having been harshly treated by his majesty's government in this respect.

Sir *E. Knatchbull* agreed with the hon. member for Sussex, that the landed interest had been hardly dealt with. A duty of 2*d.* a pound on exportation would, in point of fact, amount to a prohibition.

Mr. *Bright* said, that in consequence of the new bonding system, this measure might operate most unequally on different classes of merchants. Many dealers in the town which he had the honour to represent, had a quantity of wool in bond; others again had a large quantity not bonded. It was incumbent on the right hon. gentleman to make such arrangements as would prevent those who had paid the duty from suffering in consequence of this measure.

Mr. *S. Wortley* spoke in favour of the increase of the duty from one penny to two-pence per pound.

Mr. *Hume* contended, that his hon. friend, the member for Shrewsbury, was fully justified in asserting, that the chancellor of the Exchequer had been guilty of a breach of faith. At the same time, the right hon. gentleman had been quite right in listening to the representations of all parties interested.

Mr. *Bennet* observed, that if the chancellor of the Exchequer had listened to all parties, instead of attending to the remonstrances of only one party, he should not have complained. The right hon. gentleman ought to have obtained full information as to the propriety of the course he was about to pursue, before he commenced it.

Ordered to lie on the table.

COAL DUTIES.] Several petitions were presented for the repeal of the Duties on Coals.

Mr. *Newman* supported the prayer of the said petitions, and hoped that the chancellor of the Exchequer would consent to repeal this unjust and partial tax.

Mr. *Bennet* said, that the repeal of unjust taxes ought, from day to day, to be forced upon the consideration of his majesty's ministers.

Lord *Milton* concurred in his hon. friend's general recommendation, although he doubted if sea-borne coal was the tax which ought first to be taken off. They ought rather to call for the reduction of those taxes which more generally affected the country at large. He admitted, that the coal-tax was in its origin impolitic; but interest had grown up under it, which might require consideration. At all events taxes that pressed more generally ought first to be removed.

Mr. *Grenfell* was of a contrary opinion, as to the general principle of taxation. He had no hope that the tax on sea-borne coals would be repealed this year; but the attention of ministers to it ought to be kept constantly alive by petitions.

Mr. *N. Calvert* argued, that no tax could be more unjust than one upon a necessary of life, which fell upon a portion of the country only.

Mr. *W. Smith* spoke in favour of the prayer of the petition, contending that the tax was most unjust and partial. The city of Norwich suffered severely from it.

The *Chancellor of the Exchequer* said, it had not been his intention to have troubled the House at all on this occasion, but he could not withhold a few observations after the appeals which had been made to him. He could not help thinking that hon. gentlemen were mistaken, as to the grounds on which he had proceeded with regard to coals. First, he had never maintained, nor affected to maintain, that the duty on sea-borne coals was not very unequal in its operation, and pressed with peculiar severity on different parts of the country. It was a duty for which, however, the present generation was not at all responsible. It had existed for a century, and he had always thought, that before any step was taken to remove it, some attention ought to be paid to those interests that had grown up under it. He could not repeal the whole duty on coals, without serious prejudice to the interests of parties who ought to be considered; but he had never gone the length of saying, that those interests were such as to render the gradual reduction of the tax impossible. Looking at the various items composing the taxation of the country, he had not thought that the duty on coals was one which ought to be repealed to the whole extent, or prior to other taxes pressing with greater severity. He had proposed the repeal of taxes this year, to the amount of a million, conceiving that, taking the country generally, he was consulting its interests better, than if he had relinquished the whole of the duty on coals. At the same time, it had appeared to him, that the coal tax was not only unjust in itself, but pressed with peculiar severity on a particular part of the kingdom; namely, the metropolis and its neighbourhood, because there the duty was considerably more. He had never been able to see any justice in the argument, that the tax there ought to be retained, because the citizens of London, from being more wealthy, were better able to pay it. On such nice calculations as that, taxation could not be regulated. In what he had done, it seemed to him that he had begun at the right end, when he commenced by remedying the aggravated injustice towards the inhabitants of the metropolis. He had, in the first instance, assumed, that the utmost he could spare, for the reduction of this duty, was 100,000*l.*; and if, instead of repealing 3*s.* 4*d.*, as he had suggested, he had repealed 1*s.* generally, upon sea-borne coals, it would have given no relief that would be at all felt by the consumer, and he could not go beyond the 1*s.* without giving up more of the revenue than he could spare. It seemed impossible, on the other hand, that the consumers in London and its neighbourhood should not be benefitted by the sum per chaldron that he had consented to relinquish, as applied to that district.

Sir *M. W. Ridley* said, that when the right hon. gentleman talked of relieving the poor of London, he should protest against the injustice of the measure, which went to continue a tax of 6*s.* on coals carried coastwise, and a tax of only 1*s.* a ton on inland coals. This plan was certainly most adverse to those principles of equality of taxation which the right hon. gentleman advocated. The coal-owners of the north wished for no change in their relative position with respect to the owners of inland coals: The duties, before the chancellor of the Exchequer touched them, had been 9*s.* 4*d.* per chaldron on sea-borne coals, and 7*s.* per ton (which was equal to 9*s.* 4*d.* per chaldron) on inland coals, and now the chancellor of the Exchequer came with his principles of "just and equal taxation," and reduced the duty on one to 6*s.* per chaldron, and on the other to 1*s.* per ton. He would, shortly after the Easter recess, submit a motion to the House for the reduction of the duty on coal carried coastwise.

Mr. *Littleton* said, that when the question came to be argued, he should be ready to maintain the justice and policy of the plan of reduction proposed by the chancellor of the Exchequer; or he should rather shew, that the duty of 1*s.* per ton still continued on inland coals, was a shilling too much. Where was the justice of imposing upon inland coals a tax originally imposed only on coals carried coastwise, when those inland coals were also burthened with the enormous dues paid to the canal companies, and sanctioned by acts of parliament? For what did it matter to the owners of inland coals, whether the duties with which they were, by act of parliament, burthened, went to canal companies, or to the government? The inland coals were, even with the reduced duty, so heavily burthened, that there was no danger of their coming into competition with sea-borne coals. Formerly, the same duty was imposed on the ton of 20 cwt. of inland coals brought into London, as on the chaldron of 27 cwt. of sea-borne coals; and when, a few years ago, it was proposed to equalize the duty on the ton to the duty on the chaldron, the hon. baronet was among the most strenuous opponents of that equitable measure.

Mr. *S. Wortley* said, he should be glad to hear his hon friend prove the justice of laying a tax of 6*s.* on one sort of coal, and 1*s.* on another, so as to give 5*s.* bounty in favour of the worse and dearer sort of coals.

Mr. *Hume* said, he was prepared to state to the chancellor of the Exchequer a mode in which he could conciliate both parties; namely, by taking off the duties as well on sea-borne as upon inland coals. This was the best way of putting them on an equality, and it was a wiser course than to apply six millions annually to buy up three per cents at 95. If he would give up the Sinking Fund he might reduce the whole of the coal tax, and the whole of the window and house tax. For what purpose was the sinking Fund maintained? to support the funded interest. But the funded interest needed no such support. The reduction of the taxes to the amount he had stated, would be received with the greatest satisfaction; and he had no doubt, if all those gentlemen who now spoke so strongly in behalf of their several petitions, would come down and support a specific motion on the subject, the chancellor of the Exchequer would find it perfectly convenient to carry the measure into effect.

Lord *Milton* complained of the policy which government had pursued upon this question. They had given up a revenue amounting to 800,000*l.* annually, and in so doing had benefited a particular class of the community, residing within certain limited geographical boundaries. Now, when government remitted taxation, they should take care that the relief which they granted should be of a general, and not of a partial description.

Sir *John Newport* could not agree with his noble friend. His noble friend seemed to have forgotten, that the particular class of the community to which he had alluded had, for nearly a century past, been aggrieved by the unjust and partial operation of the coal duties; and surely his noble friend would not argue, that it was not entitled to relief, because it had submitted patiently for many years to the grievance which had been imposed upon it. He must contend that the chancellor of the Exchequer was only performing an act of justice in equalizing the operation of the coal-duties in all parts of the country.

Mr. *Maberly* thought, that the country gentlemen were not dealing fairly with the chancellor of the Exchequer upon this occasion. It was rather inconsistent in those who had supported the system of a sinking fund, now to come forward and tell the adviser of it, that they would not bear the taxes by which that sinking fund was to be supported. It was consistent enough in his hon. friend, the member for Aberdeen, and himself to press for a repeal of taxes, because they had always opposed the scheme of a sinking fund; but as for the hon. gentlemen who now called for a repeal of taxes, after supporting the sinking fund, where, he would ask, was their consistency?

The *Chancellor of the Exchequer* said, he felt that, from the manner in which the resolution respecting coals had been carried, the parties interested in them had lost the opportunity which they were fairly entitled to, of stating the objections which could be urged against them. If, therefore, the hon. member for Newcastle wished to move for the re-commitment of those resolutions, he should throw no objection in the way of it, and in the committee the hon. member might bring forward his statement. Thursday was the earliest day that was open, and if the hon. baronet would move for the re-commitment of the resolutions on that day, he should throw no obstacle in the way of the motion.

Mr. Alderman *Wood* thought, that, when it was considered how long and how unjustly the people of London had been taxed in the article of coals, and the misery to which the poor had been often reduced for want of fuel, no gentleman could object to the reduction. There had been ten millions of money levied unjustly on the people of London under this tax, which originally had been imposed for a special purpose.

Sir *M. W. Ridley* said, he had no objection to Thursday as the day for re-committing the resolutions. He begged again to say, that he had no wish to impose any additional tax on inland coals. He only wished the two descriptions of coal to be kept in the same relative situations in which they had hitherto stood.

Ordered to lie on the table.

BURIALS IN IRELAND BILL.] Mr. *Plunkett* rose to move the order of the day for the second reading of the Burials in Ireland bill. The right hon. and learned gentleman observed, that he would not have brought it forward at that moment, if he had not had some reason to flatter himself, from the general opinion which he had collected from all sides of the House on the measure, that there was no likelihood of any material objection being offered to it, nor of any discussion arising that would be at all calculated to pruduce a protracted debate. The House was already aware of the general scope and object of the bill. It related to the burials, in Ireland, of persons dissenting from the doctrines and discipline of the Established Church, with those forms and ceremonies which were peculiar to the religion professed by them. Every one must feel, that this was a subject of extreme importance, as it related to the moral feelings, passions, and prejudices of the great bulk of the population of Ireland; and they must also perceive, that it was a question of the greatest delicacy, because, as it referred to circumstances which must occur in the precincts of protestant church-yards, it would naturally excite the attention of those who felt an interest in the security of the protestant establishment. He therefore approached the subject with a considerable degree of caution, he would not say of alarm; because the measure had been so maturely considered, and so nicely prepared, with reference to both sides of the question, that while it would make the law easy, as to the burial of dissenters, it would not create any just alarm in the minds of those who were connected with the Established Church. But, when he stated that it was a subject of great difficulty and delicacy, he begged to observe, that it was not on that account that he had taken it out of the hands in which it had been previously placed. Whether he considered the question with a view to its importance, its difficulty, or its delicacy, he knew of no hands better suited to bring it forward effectually than those of his right hon. friend (sir J. Newport). The course which his right hon. friend had taken in the debate relative to Education in Ireland, which occurred a few evenings since—the tone of temper and moderation with which he had introduced that delicate subject, proved clearly, that no man was more fit to conciliate the opinions and sooth the passions of all parties. Still, however, he thought it would be felt, that it was better that this question should be taken up by one who spoke the sentiments of the government of the country, rather than by any individual unconnected with the government. Many reasons could be adduced in support of this position. It was right, in the first place, that the public should know the anxious solicitude which the government entertained, with respect to the welfare of the people of Ireland; and next, it was important that the question should be now brought forward in such a manner as to reconcile all classes to it. This end could be much better attained by the government, than if the measure were introduced by any individual, however respectable.—Having said thus much to excuse the government of the country for entertaining this measure, it would perhaps be expected that he should state some reason for its not having been taken up sooner. Many circumstances existed in Ireland, which would have made it unwise in government to have interfered with a question of this kind at an earlier period. Whatever inconveniencies existed in the actual state of the law—and he admitted those inconveniencies to be many and considerable—yet still it was found that very few of them were of a practical nature. Government, therefore, had not thought it necessary to legislate on theoretical principles, so long as the existing law appeared to work well. But a new state of things had sprung up, and it was now found expedient to make some change in the law. The first thing it was proposed to do was, to repeal the act of the 9th William 3rd cap. 7. He believed, with respect to this point, there was an universal consent on the part of every person concerned. He would now state what the object of the act of William was. It was probably known to most gentlemen in that House, that there were in Ireland a number of abbeys and convents, the sites of places formerly used for religious worship, and vested in ecclesiastical persons. These venerable places were looked on with considerable respect, if not reverence, by all classes of people in Ireland. They had been founded from motives of piety, and though sometimes tenanted by superstition and bigotry, yet it could not be denied, that they were often the abodes of genuine religion and pure charity. From them, in former times, the blessings of hospitality had been disseminated amongst the poor and the needy. Those places had long since been taken out of the possession of the ecclesiastical proprietors, and vested in the several members of the state. But they were still viewed by the people with feelings of respect and veneration. Though no longer used as places of religious worship, they were much resorted to as places of burial not merely for the Roman Catholics of the country, but very frequently for the Protestants; and he felt, that the remains of those ancient edifices were not the least interesting objects of contemplation to those persons who visited Ireland. Looking to the disturbances, religious and political, by which that country had been torn, it was a point on which the mind reposed with some degree of pleasure, when it reflected, that in those cemeteries the Protestant and the Catholic, persons of all ranks and persuasions, were buried in common. However they might have differed in life, in death they were suffered to repose together; and the place of their interment was not made a scene for the display of acrimonious feeling and unseemly asperity. This state of things had prevailed, he believed, more or less, ever since the Reformation. It must seem extraordinary that, under these circumstances, the act of the 9th of William was passed, by which burials in those places were forbidden, as well to Protestants as to Catholics. It seemed extraordinary, when the practice was carried on without offence to any party, that it should have been interfered with by this law. He believed it was not with a view to any direct interference with the rights of sepulture of any religious sect, that the law was enacted; but that it was framed in a spirit of jealousy, which could not bear that any religious feeling should be kept alive with respect to those old places of worship. Certainly, whatever might have been the object of the act, its provisions were opposed to those affections and decencies, with reference to the deceased, which ought always to be respected. The act was framed, but it fell still-born, as all measures must do when opposed to the feelings and sentiments of a country. In no one instance, for a series of years, had the custom which had so long prevailed been interfered with—in no one instance had this obnoxious law been carried into effect. If, then, there was an act on their Statute-book, to enforce which would be considered a crime, and to infringe it would be looked on as a duty, it ought not to be suffered to remain; and one object of the measure now before the House was, to repeal this act. The House would, however, observe, that there was a clause regulating and narrowing that repeal. The reason of this was, that many of those places were diverted from their original purpose, and were possessed by individuals; and care should be taken, that no interference with private property was admitted under this measure; which would be the case, if persons who were not in the habit of using particular places of this description for burying grounds, were suffered to do so now.—He would now, as shortly as he could, apply himself to the more important provisions of this bill, so far as it professed to give the right of burial in Protestant church-yards, according to the religious ceremonies of the parties whose friends were brought there for interment. The noble lord who presided over the government of Ireland, and who had applied himself to this, as well as to every other subject connected with the interests of that country, felt the deepest anxiety for the success of this measure; and he (Mr. P.) knew of no other reason why he now addressed the House, except that, from his constant intercourse with the noble lord, he had the best means of learning his views on the subject. This measure originated with the noble lord, and had received the unanimous sanction of his majesty's government. The two great objects of the bill were these, to secure to dissenters of every denomination the right of interment according to their own forms and ceremonies, and to take care, at the same time, that nothing was done offensive to the dignity, or subversive of the security, of the Protestant religion.—Before he proceeded further, it was necessary that he should describe what was the state of the law on this subject as it now existed. In the first place, he would endeavour to put the House in possession of what was the situation of the Protestant parson as to the right of burial. Gentlemen, doubtless, knew, that the freehold of the church-yard was vested in the rector. The church-yard was his freehold, and no person could enter it, unless by his leave, without committing a trespass. But, besides the right which belonged to him as the possessor of the soil, he was, as the parson, empowered by law to superintend the mode of granting Christian burial in the church-yard. He was to grant the right of interment; and, by the act of Uniformity, he was to read the burial service of the church of Ireland, as by law established, and no other. He could not, himself, read any other service; neither could he depute any person to read a different service in the church-yard. He could employ another gentleman in orders to read the service of the church of Ireland; but he could not allow any layman, or a member of any other community, to read it. If this law were acted on, and the Protestant clergy were in every instance to insist on reading this service, and going through the rites and ceremonies prescribed by the church of Ireland, it would virtually deprive the great body of the people of the right of interment. Considering what their religious opinions were, such a practice would amount to actual exclusion. He did not mean to argue, whether their feeling on this subject was a right one or not: it was his duty merely to state the fact. The opinions, feelings, and prejudices of the people of Ireland were such, that if the principle were insisted on, it would actually amount to an exclusion from the right of interment of all the Catholics, at least, if not of all the Dissenters.—This was the situation of the law, on one side: now let the House mark what it was on the other. According to the laws of the land, every person had a right to interment in the Protestant church-yard of the parish where he died. His relatives had a right to claim it: but they were entitled to claim it, subject to that right of the Protestant parson which he had just mentioned. But, suppose he performed the rites of the Protestant church, or that he waved their performance, there was no law which, in either case, prohibited the performance of dissenting rites in a Protestant church-yard. There was no law, where the Protestant parson had discharged his functions, or waved them, to prevent Roman Catholic ceremonies from being performed in the church-yard, however ostentatiously celebrated, or however calculated to produce feelings of pain in the mind of the Protestant clergyman. There were a number of laws passed in Ireland, after the Reformation, on the subject of the Catholic priests. By those laws, besides inflicting penalties on priests coming from abroad, there were others which also imposed penalties on all priests who were not registered in a regular manner. By the 21st and 22nd of the late king, the greater part of these penalties were removed, under certain restrictions and conditions. One of them was, that the benefit of those acts should not extend to any Catholic priest who officiated in a Protestant church-yard. It was supposed, that under this clause it was a criminal or penal act, for a priest to perform the burial service in a Protestant church-yard; but the supposition was entirely erroneous: it had no other effect than saying, that the Catholic priest who performed the service in a Protestant church-yard, should not have the benefit of that particular law. He was liable to be indicted, not for having performed the service, but for not having duly registered himself under the former act; which he was not required to do, provided he obeyed the restrictions enumerated in the 21st and 22nd of Geo. 3rd. But, whatever might have been the state of the law on this subject, growing out of the 21st and 22nd of Geo. 3rd, all difficulty was removed, in Ireland, by the law of 1793. By that law, it was not an illegal act for the Catholic priest to officiate. He could not be indicted for it: he could not be prevented from doing it. If the contrary were admitted; if the Protestant clergyman had a right to insist on performing the service of the church of Ireland; it would totally exclude the whole body of Roman Catholics from interment. If the Protestant clergyman chose to come in and perform his service, or if he waved his right to officiate, there was no law to prevent the Catholic priest from exercising his functions. This was the state of the law; and, considering the situation of the parties, it was fraught with all the seeds and elements of discord, and dissension. But though such was the fact—though the state of the law was calculated to produce conflictions and collisions between those opposing parties—it was pleasing to state, that, with very few and rare exceptions, those elements of discord and dissension had not created any of those effects which might have been expected from them. One would, indeed, almost praise this state of the law; since it gave an opportunity to people of all sects, and of all religious opinions, to display feelings the most liberal and charitable. He must say, and he said it with great respect for the parochial clergy, that, until of late years, they had not, in the smallest degree, interfered with the right of interment in Protestant church-yards. They had forborne to exercise a duty which was imposed on them by the common law of the country, and by the act of Uniformity, because they felt that it would create uneasiness and dissatisfaction. The Catholic clergymen also had conducted themselves in a most exemplary manner. He believed the Catholic body in general were buried without any ceremony; but it was customary, on the interment of Catholics of the better orders, to have, more or less, a sort of service performed by the priest. Sometimes he appeared in the stole, a sort of black robe, and sometimes he officiated in his plain clothes; but he never presumed to offer any thing offensive to the Protestant church. This was the way in which the matter remained, until lately, without any degree of offence being taken by the Protestant clergy. This should be particularly stated; because it proved, that there was not that unmanageable texture in the sentiments of those who held different religious opinions in Ireland, that ought to shut out all hope of accommodation, that ought to lead the House to believe, that it was impossible to smooth down those religious feelings, the asperity of which had been the bane and curse of Ireland. When matters remained thus—when, on the one hand, there was no interference, and on the other, no offence—he thought it would have been unwise if government had legislated for prospective evils, that perhaps might never have arisen. But, about four or five years back, the performance of religious ceremonies by a Catholic priest, in a Protestant church-yard, was resisted. At the time this took place, such occurrences were extremely unfrequent; and government thought it better to get rid of them by giving conciliatory advice, rather than by exerting the strong hand of authority, or by calling on Parliament to take the business up. In the course of last year, however, the complaints on this subject had greatly increased. Whether the right was more frequently claimed by the Catholic clergy, or contended for in a different degree or manner from what had been customary, he could not say; but, a good deal of alarm had certainly been excited. Whether that alarm was just or not, he could not discover; and he believed it would be very difficult to ascertain the fact. If one person were asked, whether the ceremony was the same as was heretofore performed, the answer was in the affirmative; but the next individual of whom inquiry was made would state exactly the reverse. In fact, individuals seemed to be guided rather by their prejudices, than by any desire to elicit the truth. He therefore thought it would be much better to leave the circumstances out of which this alarm had arisen, in the ambiguity in which they were placed at present, than to attempt to explore them. Whatever had been done by the Protestant clergy, was, he felt convinced, performed in the discharge of a conscientious duty. He paid a most ready and willing homage to the forbearance manifested by the great body of the parochial clergy of Ireland; and he was certain, wherever they had recourse to resistance, they were impelled to it, by a sense of duty alone. The government, as he had already observed, were anxious to soothe all differences, by friendly and conciliatory advice; but it at length became necessary to examine, what the real state of the law was on this subject. If the law were clear and plain—if its operation appeared calculated to produce peace and union—then it was right that the people should know it: but, the case was greatly altered when the law carried within itself the elements of hostility; when the concord which had so long prevailed arose, not from a knowledge of the state of the law, but from an ignorance of it. It would have been productive of the most unpleasant consequences, if it had been boldly stated, "You, the priest, have a right to bury this man—you may enter the church-yard with bell, book, and candle, and perform the service in the most offensive manner possible." If the priest had the power to exclaim to the

Protestant clergyman, "I am doing this by the authority of the government, who have told me what the law is on the subject," it would be the cause of constant feuds. This pernicious knowledge of their rights must end in continual conflicts between the parties; and therefore it was necessary, that the law should not remain in its present situation. Heretofore, the law had not been insisted on—the proceedings of the Catholic clergy had been little interfered with. Had it been otherwise, the Catholics of Ireland would be driven from the tombs of their ancestors. It was not a claim of ambition which they put forward—it was not a political privilege which they demanded. What they contended for was the offspring of those feelings of devotion and piety, which were inherent in the nature of man, which were wholly independent of adventitious circumstances. There was no crime so barbarous, no ignorance so profound, no philosophy so arrogant, as to deny the justice of that feeling which was implanted in the nature of man, and which induced him to look with affectionate regret to the spot where the remains of his ancestry were deposited. It was not the creature of philosophy: it was the voice of that Being, who, when he had doomed us to the grave, inspired our hearts with the confident hope, that our affections and feelings would exist beyond that goal. If, however, the Roman Catholic priest were openly told, that he might perform his ceremonies in the most ostentatious manner, such a proceeding would give alarm, and not unjustifiably, to the Protestant. It was therefore necessary that some alteration should be made in the law; and the question was, which was the best mode of dealing with the subject? There were three modes, in which the existing law might be altered. First, it would be possible to give separate burial-grounds to the Roman Catholics and the Protestants; and this idea had, in fact, occurred to some Catholics of influence; but he thought, for his own part, and he was convinced the House would go along with him in the feeling, that, of all remedies for the present evil, no other so objectionable could be found. The allotment of separate burial-places would not only, like the giving separate places of education, tend to strengthen the line of demarcation already subsisting between the two religions, and to preclude for ever all hope of that union in heart and political opinion which every sincere lover of Ireland must hope for, whatever he might think as to its immediate probability, but it would go to outrage the very commonest and yet most sacred feelings of humanity. It would have the effect, the House would see, in many cases, of separating families as to their place of burial. A husband could not be buried with his wife, a brother near his brother, a father by the side of his son. It would hardly be necessary to say more upon the impracticability of introducing such an arrangement. The next proposition then, he would suppose to be this—to make the right of interment to the dissenter in Ireland an absolute right—to have it a stern and unbending mandate upon the Protestant parson, to admit him to burial, and then to restrict the exercise of this absolute right, so as to prevent its being used in a manner offensive to the feelings of the Protestant. This plan certainly did not carry, upon the face of it, so much positive unfitness as the former; but still the House would hardly find it to be a wise one, even if it was practicable, which he doubted: for the great difficulty in the way of such a regulation would be, not the unwillingness of the Protestant parson to give up the absolute right, but his disability to do so. By the act of Uniformity, and the canon law of the country, he was bound to perform the rite himself, and could not make over absolute power to another to do it. This, however, was as the law now stood; the new act authorized the parson to give the desired permission; but if it was said, that the spirit and the terms of the act ought to be—not he *may* give permission, but he shall give permission, he (Mr. P.) denied the fitness of that course, because the House would be aware, that, even for the admission of a Protestant to burial, there was nothing upon the parson mandatory. The Protestant himself could not be buried without permission from the parson. True, the parson might not withhold his permission, unless upon some satisfactory reason; but, even if he did withhold it wrongfully, he could not be indicted, or made liable to a civil action for so doing; he could only be censured in the Spiritual Court. Cases might be put, however, in a moment, in which the parson was entitled to refuse. He was not bound to bury a person who died excommunicated; or who had never been baptized; or one who had committed suicide. In fact, he was generally to judge of the time, the convenience and the fitness of the thing being done; and if the assent was not compulsory in the case of a Protestant, there were additional reasons in abundance why it should not be so in the case of a Roman Catholic. When a dissenting clergyman applied to a Protestant clergyman for permission to bury, the Protestant clergyman was bound to judge, first, whether it were one of the applicant's flock. He must ascertain whether the deceased was really a Roman Catholic or not; because there had been cases, and not very uncommonly, in which that point had been disputed. There were other circumstances to be considered. Who was the applicant, for instance? Was he, as he professed himself, a Protestant clergyman? He might be some mad fanatic Jumper, who had no right to make any such application. All these were matters of which the Protestant clergyman had to judge; and, if an absolute mandate was to be given, they would all be special matters to be provided for. Further specialties would have to be considered—the mode and manner of performing the ceremony, the tapers, and other circumstances of ostentation in the Catholic, which went beyond the modesty of the Protestant Church. But the present bill made arrangements which could hardly fail to satisfy all parties; for, as its avowed intention was, to give the dissenter the benefit of interment according to the rites of his own church, in a Protestant church-yard, the Protestant clergyman could no longer allege the difference of religion as a reason for withholding the permission to bury. He repeated that the present act was one for which the Catholics of Ireland ought to feel most grateful; for it was in fact a charter of toleration, a direct declaration, that every person in Ireland, of whatever religious belief, was entitled to interment according to the rites of his own persuasion. The law, as regarded its effects, was put into the strongest practical shape. The protestant clergyman was to be applied to. If he thought fit to refuse permission, he was bound to state in writing to the applicant, and immediately, the cause of his refusal; and moreover, forthwith to certify the same cause to his ordinary, or the bishop of his diocese, who was to forward it again, without delay, to the lord-lieutenant, or chief government of the country. Thus there could be no reason to apprehend refusal on the existing ready ground—that of the difference of religion in the party making application; and still less would there be any danger of a light or frivolous objection, because it would be known that that objection was at once to go before authority. And further, with regard to the extent of the act, it was virtually mandatory, though not mandatory in terms, for he stated it as a principle of law, and if he was wrong he might be contradicted, that where a public functionary was legally enabled to do certain acts which were for the good of the community, the law which made it lawful for him to do those acts, in fact made it his duty to do them. So that, on the one hand, the act was mandatory, for the clergyman stood bound, in such a case, to do that which it was lawful for him to do; and on the other hand, it would be observed, that in the provision for the service to be performed, there was no permission for the burial service generally, but specially for the service of the grave —an important point, because, in the Roman Catholic liturgy, the service of the grave—was not the burial service, the burial service involving the most pompous display of the rites of the Catholic religion; and the service of the grave being merely a short prayer and psalm, attended with no parade of ceremony whatever. Still the law, no doubt, as it would stand, might by possibility be abused. He did not deny that it might. It was possible, on the one hand, that a protestant clergyman might, in defiance of consequences, capriciously withhold his permission; and on the other hand, there might cases arise, in which the privilege granted might be taken gross advantage of. But it was not, in his view, the spirit of legislation, to make laws to meet extreme and barely possible cases. He rather preferred, in all arrangements, to leave such cases to be dealt with as they arose; and he had no fear, upon the present question, but that the law would work perfectly well.—With regard to the Protestant establishment, he was not surprised that they should feel some alarm as to the new law at first. It was certainly, up to a certain point, the introduction of a new right and power; it was giving the Catholic church a right in the church-yard of the Protestant church: but a great deal of this objection vanished when gentlemen considered, that the law in fact only took away a right which the protestant clergyman had never exercised. If it was said that the Protestant parson had only abstained from using his right, because the ceremony performed had been performed in the private house of the Catholic, and not openly, as it would be now, in the Protestant church-yard—this might be said, and the case still would be exactly where it was before ; for the very avowal conceded a principle just as strong as that he now contended for. The ceremony was performed in the private house ? True ; but the Protestant clergyman knew that it was performed there. He not only knew it, but he must, of necessity, be taken by his own act, to be cognizant of it ; because he could never be supposed to be permitting bodies to be interred without any ceremony of christian burial. We could not bear that the Protestant parson had been permitting human bodies to be thrown into the ground like so many dogs; he could only stand justified in his forbearing to perform the rites of christian burial according to his own religion, by the knowledge that those rites, according to another form, had been performed already ; so that, in fact, he acknowledged that the performance of certain rites, according to the manner of the Catholic faith, gave a body that title to come into his Protestant church-yard, which, without those rites, it could not have had. The act before the House went, in principle, no further than this. There was nothing new in the effect of what it did, the novelty was only in the form. No rational Protestant parson would complain of being permitted by law to wave that right, which he had been all along accustomed to wave, with the law against him in so doing. In the confidence that his measure would satisfy all parties, he should sit down by moving that the bill be read a second time.

The bill was then read a second time.

Milton's Manuscript.] Mr. *W. Williams* begged to put a question to the right hon. the home secretary, with respect to a manuscript lately discovered, and said to be the undoubted work of the immortal Milton. He understood that there was no question whatever as to the genuineness of the work ; that it was partly in the hand-writing of Philips, Milton's nephew, and bore otherwise sufficient marks of authenticity. He was desirous, therefore, of knowing how it had been disposed of, and whether it was to be given to the public.

Mr. *Peel* said, it was true that the manuscript in question had been found among some state papers. It was a theological work entitled, "de Dei Cultu," treating of the truths of the christian religion, and no doubt, as far as evidence could go, it was authentic. How the manuscript had come into the situation where it had been discovered, it was impossible to guess ; but it had been submitted to the king, who at once had said, that it was fit it should be given to the public. Accordingly, it had been placed in competent hands, and would shortly be printed, under the auspices of his majesty.

British Museum.] The House resolved itself into a committee of supply. On the resolution, "That 4,847*l.* be granted for the service of the British Museum for the year 1824,"

Mr. *Grey Bennet* begged to call the attention of the House to the distressing account of the state of the various subjects of natural history in the British Museum, contained in an article of the Edinburgh Review, for May 1823. He was sorry to say, that he understood the observations in that article were strictly just. Generally speaking, the statements of the publication in question were very correct ; but, so great a clamour had been raised by the remarks to which he had adverted, that he had been induced to inquire into their foundation, and had been informed that they were grounded in fact. By that article it appeared, with reference to the immense collections of sir Hans Sloane, in which the Museum might be said to have had its origin, that those collections were nearly all gone. The birds and beasts, which formed so large a part of these collections, had nearly disappeared. Of nearly 2,000 specimens of mammalia, all had been annihilated. It was the same with the insects. Of above five thousand of the latter, all in a state of the best preservation, not above three or four hundred remained. Of an immense and valuable herbarium, occupying 334 volumes, but fifty or sixty were now visible, and those were covered with dust and penetrated by worms ; threatening the whole with destruction. The various gifts of distinguished travellers to the British Museum were all sharing a similar fate. The trustees declared, that they wanted room. Why, then, did they not come to parliament sooner, and make that statement ?

Economy was a very good thing in the abstract; but an economy that led to the waste and destruction of valuable property was an extremely pernicious economy. How differently were the museums of France, of Holland, of Germany, conducted! Were the House aware of the care bestowed on the subjects of natural history, in Paris for instance? When a rare quadruped was there brought under notice, it was first examined anatomically before it was stuffed for preservation; by which means an excellent knowledge of comparative anatomy was diffused; and the animal was afterwards carefully preserved; while here neither the one nor the other object was achieved. There was another story told in the publication to which he had referred, of a most extraordinary nature, and well deserving the attention of the House. It was well known, that sir Joseph Banks had given to the British Museum in his life-time a very valuable collection of birds, the packages containing which were deposited in the vaults of the institution, and appeared to be forgotten. When the college of Surgeons commenced furnishing their museum, they were anxious to obtain some objects of natural history, and applied to the British Museum for that purpose. The cases containing sir Joseph Banks's collection were consequently sent to them. As, however, the College of Surgeons afterwards thought it prudent to confine their collection to subjects of human and comparative anatomy, they exchanged these cases with a well-known collector, Mr. Bullock, for some skeletons and other articles better suited to their purpose. The error was discovered when too late; and when Mr. Bullock's collection was subsequently broken up, the trustees of the British Museum gave orders for the purchase, at a considerable expense, of a small part of what had been presented to it by one of the most munificent patrons of natural history this country ever produced. He repeated, that he had every reason to believe that these statements were correct. Such was the public opinion: and, if unfounded, it ought to be set right. It appeared to him, that nothing was more necessary, to prevent the recurrence of such mismanagement, than an entire change in the system of making trustees. He objected to making trustees ex-officio —trustees of straw—trustees merely for the sake of their names. The lord chancellor was a trustee, and had never been in the museum, he understood, but once; and then only because some matter of form compelled him to go. Now, such trustees were quite useless. Men of activity were wanted. It was really disgraceful to the country, to see the state of our British Museum, when compared with the condition of similar institutions on the continent. The utter carelessness exhibited towards all properties intrusted to its care, had had the effect of benefitting private collections, where gentlemen knew their specimens would be attended to, and properly put before the public. He repeated that the want of room was not an admissible excuse. More might have been done with the space, narrow as it was; for some of the properties might have been placed in the apartments occupied by the officers of the establishment. At all events, if room was necessary, room ought at once to be provided; for it would be better not to attempt any national collection at all, than to support such an institution as assumed the name of a museum, without possessing any of the distinctive properties of one.

Sir *C. Long* expressed his surprise, that the hon. gentleman should place such implicit faith in an article published in the Edinburgh Review by an anonymous writer. He was sorry the hon. gentleman had not made more accurate inquiries on the subject, before he repeated that writer's statement in that House. If he had done so, he would have found that, for some of the assertions in the article in question, there was not the slightest foundation; and that others were most grossly exaggerated. And first, with respect to that part of the museum which was derived from sir Hans Sloane. The hon. gentleman stated, that of sir Hans Sloane's large collections, few articles were left. This was certainly the case. But it ought to be recollected, that the most valuable portion of those collections was the insects. Now sir Hans Sloane died in 1752. It was probable, therefore, that above a century had elapsed since the preparation of most of them. But, there were in the museum above 70,000 articles in entomology, comprehending among them duplicates of all that had been in sir Hans Sloane's collection. [Mr. Bennet asked, across the table, where these specimens where?] Where? In the British Museum. Not exposed to public view certainly. He was aware that that was one of the complaints in the Edinburgh Review. But, did not the hon. gentleman know that in every museum only a few of the entomological specimens were publicly exposed, because the colours of many descriptions of moths, butterflies, &c. faded when constantly exposed to the light? In the present day there were also great improvements in the preparation of insects, as compared with sir Hans Sloane's time. The hon. gentleman also talked of a valuable collection of mammalia, as having been derived from sir Hans Sloane. The Edinburgh Review stated the number at 1,886. It was no such thing. There were only 1,886 parts of animals; some the teeth, others the hair, &c. Yet they were described in the Edinburgh Review as so many animals belonging to sir Hans Sloane—a tolerable proof of the accuracy of the reviewer. The hon. member's next charge related to some most valuable quadrupeds, the gift of Mr. Burchill, the African Traveller. [Mr. Bennett denied, across the table, having made such a charge.] It was in the Edinburgh Review, however, and he would notice it before he sat down. The next object, then, to which the hon. gentleman had adverted was sir Joseph Banks's collection. He thought he could give a complete answer to the hon. gentleman's statement on that subject. Not a single step had been taken with respect to this collection (which was supposed by the hon. gentleman to have totally disappeared) except under the direction of sir Joseph Banks himself. He (sir C. L.) as one of the trustees, certainly looked up to sir Joseph Banks as the individual who could best direct the mode of depositing the collection he had presented to the museum; and his directions on the subject had been strictly obeyed. With regard to the subsequent proceedings, the account in the Edinburgh Review was entirely incorrect. The Review stated, that the packages containing sir Joseph Banks's collection, one of the most beautiful that ever came to England, filled a large waggon when sent to the British Museum; that when the college of surgeons commenced furnishing their museum, they obtained an order from the trustees of the British Museum, for such objects of natural history as could be spared from the latter collection; that in consequence, sir Joseph Banks's cases were sent to the College; that it was afterwards deemed prudent by the college to confine their collections to subjects of human and comparative anatomy; that a well-known collector, having in his possession many skeletons and other articles suited to the purposes of the College, agreed to exchange them for specimens more adapted to his already magnificent collection; that the cases containing sir Joseph Banks's collection, which had remained unopened at Surgeons' Hall, were *en masse* consigned to him, in exchange for his anatomical preparations; that he found these cases, admirably secured and pitched over, to contain the greatest varieties, in the most perfect preservation; that thus a private individual became fairly possessed of the largest collection of uncommon and splendid birds which was ever at one time imported into Britain; that the mistake was discovered when too late; that the trustees of the British Museum, anxious to repair as much as possible the unlucky accident, authorised Dr. Leach to purchase up those very articles at the subsequent dispersion of the collection alluded to; that the concourse of distinguished foreign naturalists, whom the fame of the intended sale attracted to England, made some of the birds fetch most exorbitant prices; and that near 400*l.* were expended by Dr. Leach in restoring to the National Museum perhaps but a small part of what it had lost. He (sir C. Long) had made an inquiry into the truth of these allegations, and he found that they were substantially erroneous. His information had been derived from Mr. Henry Ellis, the secretary to the British Museum, a man universally respected, and one of the most active, useful, and meritorious officers that any establishment could possess. From him he found, that the collection in question had never been brought to the Museum "in cases pitched over;" that the articles sent to the College of Surgeons were a mammoth's head, and five or six cases of birds; and that the re-purchase was effected by the Museum at an expense of 37*l.* 10*s.*, instead of 400*l.* as asserted in the Review. Upon calling on Mr. Bullock, he had confirmed that part of Mr. Ellis's statement of which he had cognizance. The spirit in which the account in the Review was written, manifested itself in the fact that, after all the allegations were made, they were followed by a paragraph, admitting that those allegations were not consistent with the individual knowledge of the writer.—The hon. gentleman was severe, both on the trustees, and on the officers of the institution. With regard to the officers, without saying that there were not as scientific men to be found elsewhere, he would say, that no where could be found individuals more valuable to a public institution, or who discharged their duty in a more satisfactory manner. One gentleman was particularly reflected upon in the Edinburgh Review—namely, Mr. Children. With the conduct of Mr. Children, however, the trustees were highly satisfied; and all who knew the gentleness of that individual's manners, and the liveliness of his attention to the subjects entrusted to his care, must feel that some undue motive must have prompted so unjust an attack upon him. It seldom happened that an unsuccessful candidate for a post entertained any very strong predilection for his more fortunate rival; and that remark might, perhaps, explain the cause of the treatment which Mr. Children had experienced. The Review, in speaking of the accommodation in the Museum, recommended, that some of the specimens of natural history should be placed in the rooms now occupied by the officers of the institution. Now, although it would not be impracticable or inconvenient, perhaps, to place a few of the books belonging to the Museum in those rooms, it would be rather too much to introduce into them a bear, or a rhinoceros. The hon. gentleman also objected to the trustees and the mode of their election. All he would say was, that he was sure, if the hon. member had an opportunity of observing the fact, he would find that the trustees, who were appointed to attend every week, diligently discharged their duty. There were four quarterly meetings of the trustees. At these meetings every officer of the establishment stated the manner in which he had employed his time since the last meeting. He made a report of every thing which related to his department. From those reports frequently arose the appointment of Sub-Committees of the trustees to inquire into particular points. There was besides a general committee; and lately six smaller committees of trustees had been appointed, who were to report annually on the state of the various departments which they were required respectively to superintend. On the whole, it did not appear to him to be possible that the institution could be better regulated.—He would now say a few words respecting Mr. Burchill's gifts, as well as of those of other celebrated travellers. In the Edinburgh Review it was stated, that those gifts were totally neglected. He would read to the House a report made by a committee of trustees appointed in 1820, to investigate this matter. In the first place, he begged to observe, that it would have been idle to go to the expense of preparing the animals in question, if afterwards there could be found no room for their exhibition. The report of the committee was to the following effect; namely, "That the committee appointed to inspect the Zoological Collections in the Museum, regret that a great portion of the quadrupeds which the liberality of Mr. Burchill, and others, has induced them to present to the Museum, have remained so long unexhibited; and they further regret that in the present deficiency of room, they cannot recommend that any steps should speedily be taken respecting them. With regard to the various specimens of birds presented to the Museum by the Hudson's Bay Company, by capt. Ross, capt. Parry, &c. as they are small, and as the public are at present deeply interested in all that relates to the northern seas, they recommend that orders should be given for their preparation. The committee recommend the adoption of such further measures respecting the zoological collections of the Museum as may be the means of accumulating all the subjects of natural history which can be furnished by every part of the globe; but to carry such measures into effect will require the erection of a building of considerable dimensions. Unless such a building should be erected, they, on the contrary, recommend the trustees to decline any future presents, except such as may be kept in a small space." The hon. gentleman had said, that if the trustees came down to that House, there would be no difficulty in granting any sum that might be applied for. Now, although he felt as much as any man the liberality of that House; yet if, three years hence, the trustees were to come down to that House, and ask for a large sum of money for a building for a public exhibition, he had no doubt but that they would see the hon. member for Aberdeen exhibiting one of his most terrific economical aspects; and he was not quite sure, that many of the country gentlemen whom he saw around him would not support a motion by the hon. member for the rejection of that vote. The right hon. member concluded by saying, that if he were to go inch by inch into the statement of the Review, he should be able to shew that that statement had very little foundation.

Mr. *Bankes* said, that all the charges contained in the pamphlet, if examined, would be found, if not altogether false, at least greatly exaggerated. He would read to the House an extract from that publication, in order to shew the degree of credit which was due to the writer. The hon. member then proceeded to read the following extract from the Edinburgh Review;—"To much practical knowledge of zoology, he should unite great zeal for the science, and an intensity of application for years to come, before the national collection can be rendered respectable. In its present state, it is an object of disgust and lamentation to native naturalists, and of ridicule and contempt to foreigners. We have heard hints of a permanent provision for an extra librarian being the cause of the removal of Mr. Children from the antiquarian to the zoological department; but we are unwilling to credit this." The House could not be at a loss to understand the meaning of the writer; he referred to other candidates, and evidently spoke in the language of disappointment.

Mr. *G. Bankes* defended the conduct of Mr. Salt, a gentleman who was entitled to the best thanks of the country for the extent of his useful labours.

Mr. *Hume* said, that, of 43 trustees, 21 were efficient, comprising the ministers of state. Now, it was not to be supposed, that those efficient persons, who had so many duties to attend to, gave any of their time to the consideration of the affairs of the British Museum. There were, then, eight members, who represented the Sloane, the Cotton, Harleian, Townley, and Elgin families. To those he did not object; but he did object to this, that there was not one man of science to be found in the number of those trustees. If individuals were placed over that establishment who would preside over committees, and attend to its general interests, he had no doubt but the affairs of the institution would be much better conducted.

Mr. *Croker* thought that the library was pretty well managed, but complained loudly of the state of the catalogue. The value of a public library must depend, in a great degree, upon the catalogue, and the chief usefulness of it was, to poor scholars, who certainly could not afford eight or nine guineas, the price at which the catalogue must be now purchased. He thought it would be a most desirable point of inquiry, for the trustees to ascertain if there could not be a cheaper edition of the catalogue issued for the use of the country at large. If the expense were too great to be repaid by the sale of copies, no doubt parliament would cheerfully grant a small sum in aid of it, perhaps to the amount of 100*l.* a year. He thought the present buildings were well adapted to the purposes of the library, and the scientific collections; but he objected to fixing the national gallery there. Works of art were especially calculated to civilize and humanize the public at large, and ought to be placed, as it were, in the gang-way of society, to be not only open, but of ready and inviting access to the public. But chiefly he insisted on the necessity of reforming the catalogue of the library, and putting it out in a cheaper and closer shape. It mattered little for such a work how coarse the paper or how poor the printing: the general usefulness of it was alone the consideration.

Mr. *W. Smith* approved of the institution generally, and thought the objections to the catalogue not very sound. The library was for reference more than for study, and poor scholars, as well as others, might look in the catalogue when there, without going to the expense of purchasing one.

Mr. *Croker* said, that was certainly true; but, if the poor scholar could furnish himself with a catalogue at a low rate, he would not have to waste his valuable time by going to the Museum to discover that the book which he sought for was not to be found there.

Mr. *Bankes* thought, that none of the objections, either to the institution or the management of it, were well founded. As to the inconvenience and difficulty of admission, that could hardly be alleged, seeing that in the course of last year, it had been visited by 100,000 persons. As to the want of room, it was true that they had not enough for all the subjects which were presented, and had been obliged to build for the reception of the king's library. But, if gentlemen would only consider that these collections, after the completion of the new buildings, would cover a space rather larger than Hanover Square, they would scarcely persist in the objection with seriousness. For the catalogue of the library, he did not know how it could be better managed than at present, because of the continual accessions to the library, which of course required continual enlargements of the catalogue—a circumstance utterly at variance with the plan of a cheap catalogue.

Mr. *G. Bennet* expressed a hope that no niggardly principle would prevent the trustees from coming to parliament to ask for two or three hundred pounds, if necessary, in order to procure scientific persons to preside over the different departments. Sir Joseph Banks and sir Humphrey Davy had been named as specimens of the talent with which the different departments were filled; but of those gentlemen one was dead, and the other was far from being an instance of the general talent with which those situations ought to be filled.

Mr. *R. Smith* hoped it would be generally understood, that nothing which had occurred that evening ought to induce the trustees to consider themselves precluded from coming to parliament for any further sum which they might consider necessary.

Sir *C. Long* was quite disposed to concur in the hope expressed by his hon. friend. With respect to what had been observed, as to the sum paid to Mr. Salt for the sarcophagus, he could only state, that Mr. Bingham Richards, the agent of that gentleman, had been asked, whether he would be satisfied with 2,000*l.* as a remuneration, and he had replied in the affirmative. The trustees who were disposing of the public money would hardly, therefore, have been justified—he was sure they would not have escaped censure—if they had offered 500*l.*, or any other sum, beyond that which was expected by Mr. Salt. He thought the public was much indebted to Mr. Salt, and he had no doubt, as well from the result of his inquiries among persons who were acquainted with the value of such things, as from his own opinion, that the articles furnished by Mr. Salt were worth much more than he had been paid. He even believed they had cost that gentleman more. With the election of the trustees he had nothing to do, but, as a body, he felt himself obliged to say, he had never met with any set of men more anxious to discharge their duty to the public. They consisted of a great variety of persons, and among them were individuals of the highest rank and talent in the country. When it was remembered, that there was every reason to expect that the institution would be benefitted materially by the bounty of some and the exertions of all of them, he did not say too much when he asserted, that it would be hardly possible to find any men who could be more safely or advantageously placed in the stations they occupied. This he said in mere justice to gentlemen, whose services had been very useful to the public, and for which he was sorry to say they had had but little credit.

Mr. *H. Gurney* said a few words, which were inaudible, and to which

Sir *C. Long* replied, that he wished by no means to be understood to say, that the trustees would not very willingly, under the authority of the House, revise their decision as to Mr. Salt's remuneration.

The resolution was agreed to.

EDUCATION OF THE POOR IN IRELAND.] On the resolution, "that 22,000*l.* be granted to defray the expense of the society, for promoting the Education of the Poor in Ireland, for the year, 1824,"

Mr. *Hume* said, that although the full discussion which the subject to which this vote related had undergone on a former evening, rendered it unnecessary to go into it at any length, he could not refrain from expressing a hope, that something would be done speedily upon a matter of so much importance. He was aware that great difference of opinion prevailed on this subject; but he was sure almost all persons agreed, that it was highly desirable to educate the Catholic and Protestant children in the same schools. He doubted, however, the possibility of effecting the object, the great mass of the poor children being Catholic, unless the funds destined for the purpose should be placed, not exclusively under the direction of Protestants, but even the larger part under the control of Catholics. This opinion was supported by the undeniable fact, that a great number of Catholics refused to receive the benefits of education upon the terms on which they were tendered to them. He had the authority of a Catholic bishop for stating, that in the thirty-six parishes of his diocess, there were 10,000 children, all of whom were fit to go to school, but were not able to pay, and who were yet restrained from availing themselves of the schools which were open, on account of the Scriptures being read in them without note or comment. This stipulation had induced many persons to withdraw their children from the schools supported by the Kildare-street society; and, of those who continued, the greater part did so under the influence of fear. The hon. gentleman disclaimed any intention of meddling with the subject of religion. He wished the poor of Ireland should be taught only to read, and then be left to the clergyman to be taught the tenets of their respective persuasions. He did not intend to oppose the present motion, and hoped, that, in the next session, the House would be in possession of such information on the subject, as would enable it to render the advantage of education in Ireland as general as it was necessary.

Mr. *J. L. Foster* rose, for the purpose of making a few observations respecting the effect which had been produced in the education of the poor in Ireland by the Kildare-street society. The hon. gentleman referred to the fourteenth report of that society, which, he said, exhibited an interesting comparison between the state of education before the establishment of that society and since it had been in operation. Notwithstanding the number of schools which existed previously, such was their nature, and such the method in which they were carried on, that, so far from education being a blessing, it was one of the main springs of all the evils that prevailed. The Irish peasant was not the victim of ignorance, but of misdirected education. One of the most pernicious practices was, the introduction of books of a dangerous tendency into the schools. Many persons employed their capitals and their industry, in disseminating books purporting to be the histories and adventures of rebels, traitors, and enterprising malefactors. The object of the Kildare-street society had been to check this evil practice; and they had so far succeeded, with the munificent assistance of parliament, that the same persons who had formerly been employed in this trade, were now engaged in furnishing the same schools with books of a more useful tendency. The society, feeling that to provide proper masters for the various schools connected with them was another most important point, had established a model school in Dublin; which, beside the local good which it did in educating 300 of the children of the artizans of Dublin, presented an opportunity for qualifying persons intending to become masters, and for making them acquainted with the principles of the society. He would meet the statement which had been made, that the Catholics did not benefit by these schools, by merely saying, that of the number of masters in the schools belonging to the society, one half were catholics, and of the children three-fourths were of the same persuasion. It was true that the dignitaries of that church objected to the society, but he did not know on what grounds; and he wished that the committee which had been appointed might be informed of the reasons on which their objections were founded. It had been said, that the subscriptions raised in Ireland for the support of the society were only 200*l.*; but in fact they amounted to 10,000*l.* In the year 1812, the number of scriptural schools in Ireland amounted to 239; at present they amounted to 4,150. In the course of the last year, 800 had been added to their number; and, he was happy to state, there was every prospect, if the present grant should be agreed to, of adding 1,000 more in the course of the present year. He would only add that in supporting the Kildare-Street society, the House would most effectually aid the general education of the poor in Ireland. Any other society might send their masters to the Kildare-street school, where they would participate in all its advantages, and the books of that society were freely furnished to all the other societies, however their principles might differ. The education of the female peasantry, which was known by all persons acquainted with the state of Ireland to be of the utmost importance, had lately occupied the earnest attention of the society; and the co-operation of some benevolent ladies led them to form the warmest hope of success. He trusted that the facts he had mentioned would at least prove, that the Kildare-street society was entitled to that confidence which it had hitherto enjoyed; and he did not doubt that the inquiry about to be made by the committee would prove the utility of their labours.

Sir *J. Newport* regretted that this subject had been introduced, before the committee appointed by the House had made their report. He had abstained from expressing his opinion until that report should have furnished a more certain basis upon which a conclusion might be formed. Some points of the hon. gentleman's speech might be disputed; but, in the present state of the question, and as he did not mean to contravene the proposed grant, he should decline saying any more upon the subject, than that he wished things to be left as they were.

Mr. *Hutchinson* regretted, for causes as well known to the hon. gentleman as to himself, that this topic however ably treated, had been touched upon at this time. He would go the whole length with the hon. member in believing, that the Kildare-street society had done a great deal of good, and meant to do still more. The committee must not conceal from themselves, that the object pursued on this occasion was the education of a Catholic population. Any indisposition on the part of the Catholics to have their children educated together with Protestants he should exceedingly deprecate. At the same time, if the objection was a conscientious one, he really thought that the joint education of Protestants and Catholics, or a scriptural education, as it had been termed, ought not to be made a condition of such a grant of the public money as that now proposed.

Mr. *North*, in a maiden speech, then addressed the committee. He said, the hon. members opposite had objected to his hon. friend, that he had introduced this subject of discussion, but if he knew his countrymen, and he thought he did know them, they would wish, whatever might be given to them, or whatever might be withheld from them, that it should not be done in silence and secresy, but be most amply discussed. He thought the House might trust to their intelligence, for there was not a more intelligent people; the House might trust to their candour, for no people were more candid, and nothing would displease them so much as that middle course of neither giving nor withholding. The House should proceed steadily forward. The gentlemen opposite objected to discussion, not to angry or furious discussion, but to the calm, and he would say, cold discussion of his hon. friend, when compared with the magnitude of the subject. Suppose the statement had not been made, it would have gone forth to the world, that the Kildare society had been attacked, and that a member of the society had been present, and had not defended it. The Irish were a suspicious people; and were jealous that that which was done with regard to them should not be done in obscurity. His hon. friend had acted on the soundest view of making the Irish acquainted with what was done for them, and of making the English acquainted with what was doing for Ireland; and in this view, the statement of his hon. friend could only be beneficial. He had been one of the original members of the Kildare society; one of the first few gentlemen who had formed themselves into a society for the education of the poor, when they had nothing to rely on but the excellency of the objects they had in view, and no other support but the intellectual ardour which they brought to the pursuit. He would appeal to the candour of the hon. member for Aberdeen, if any better objects could have been proposed, or any better course pursued. In 1812, the whole country, in regard to education, was lying in a state of thick and palpable darkness. The Protestant clergy had necessarily no influence over a Catholic population, and the Catholic priests never undertook the task of instructing them. The education of the poor was, in fact, left to themselves; and no good education could possibly take place from their educating each other. The schools were along the side of hedges, and were such as his hon. friend had described. In them licentiousness and robbery were openly taught, and the horn-book of instruction was the manual of vice. The "History of Moll Flanders" was a common school-book. So lamentable, indeed, was the system of education which was then introduced, that it was difficult to pronounce whether the darkness was more dreadful than the lurid gleams by which it was attempted to disperse that darkness. The effect of that system on the mass of the population was dreadful. It was rearing up a lawless, tumultuous, undisciplined array, which threatened the peace, the property, the lives of the community, and which, from the abysses of misery, sent up a voice of defiance against a dismayed gentry, and an almost appalled government.—He could not agree with the hon. gentleman opposite, that the basis of a national system of education should be founded on the exclusion of every particular system of religion. He believed that a system of education for the people, if of any value at all, must be a system of moral and religious education. As religion without knowledge, was apt to degenerate into superstition, so knowledge without religion, was sure to terminate in licentiousness. The first principle which they had laid down, and by which they had determined to regulate all their movements, was, that religion should be made the basis of the system. They had to deal with a mingled population, consisting of Protestants and Catholics. The laws had, unhappily for the interests of Ireland, drawn a line of demarcation between the Protestant and Catholic, which it had been their object, as far as possible, to obliterate. If, on the one hand, it was said, that it would be improper to put the Protestant catechism into the hands of the children of Catholic parents, would it be contended on the other, that it was proper to put into their hands books of Catholic devotion? The principle upon which they had acted was, to refer them to the great common origin of the different persuasions. It was unnecessary for him to say, in how many great essential particulars both Protestants and Catholics agreed; in how many unimportant, formal distinctions, they unhappily differed. In adapting a system of education to the mingled population of Ireland, it was their object to endear each to each, by the early, tender, sacred, and, perhaps, indelible associations of a common religion; to recal to their recollections, that they had knelt, if the figure were not too bold, at the fountain of a common faith, and that they only separated by following diverging streams. They had not acted on theory, but on views of practical experience. They had seen a similar experiment tried in the university of Dublin, and they had witnessed its beneficial effects. In that university, young men, both Catholics and Protestants, were seen growing up together, forgetting unhappy differences, while pursuing academic honours with equal ardour, and applying themselves with equal enthusiasm to the same enlightened philosophy. The system which they had adopted was founded, not merely on sound principles, but upon an experience of its utility. There was another essential point which they had not neglected. It would have been vain to expect success without the cordial co-operation of the Protestant gentry. They had endeavoured, therefore, to procure that cordial co-operation, and they had succeeded in obtaining it. They had another motive and another object, which was, that of bringing the Protestant gentry and the Catholic peasantry into a more intimate and cordial intercourse with each other than they had hitherto enjoyed. They had endeavoured to approximate the relation between landlord and tenant in Ireland, which had hitherto, he regretted to say, too much resembled the relation between master and servant. These advantages could never have been obtained by the plan suggested by the hon. member for Aberdeen, who proposed, that one set of schools should be allotted to protestants, and another to catholics: the protestant gentry presiding over the first, and the Catholic priesthood over the other. Such a plan might be plausible enough in theory, but in practice it would be wholly inefficient; or, what was worse, it would be efficient in evil. Nothing was more gratifying than to observe the number of benevolent institutions which had sprung up in the neighbourhood of these schools. Wherever they had been established were seen dispensaries for giving medicine to the poor, friendly societies, and other benevolent institutions; both the people and the gentry seemed to acquire a taste for moral cultivation, and the vicinity of these schools seemed a spot separated from the other parts of the country—an Oasis amidst a surrounding desert. It had been said, that this system could never become general, since the Catholic clergy opposed it, because it involved conditions with which they could not comply. He had heard some years ago a similar argument urged, which, if it had been founded in fact, he should have considered unanswerable. It had been said, that the putting of the bible without note or comment into the hands of the people, might or might not be useful, but that the experiment could never be tried because it was against the tenets of the Catholic religion, and Catholic parents would not allow it to be put into the hands of their children, or suffer their children to go to schools, where such a system of education was adopted. The argument would be unanswerable, if it were founded in fact; but the fact was, that Catholic children did come to these schools, and that their parents were anxious to procure for them the benefits of education. The bible without note or comment was used; nor was any particular doctrine derived from a particular interpretation of a text of scripture attempted to be inculcated. That this institution should have met with the opposition of the Catholic clergy was a circumstance which he greatly deplored. It was a circumstance almost as surprising as it was lamentable. It reminded him of a passage of lord Clarendon—not in his History of the rebellion, but in a posthumous work, which he thought far more interesting, the Memoirs of his own life, where, speaking of archbishop Laud's conduct at a particular period, he says, "he had observed in his progress through life, that of all classes of men the clergy took the worst measure of human affairs." He regretted that the Roman Catholic clergy were not sensible of the advantage which they themselves would derive from being placed at the head of a well-educated, moral, and enlightened Catholic population. The Catholic laity had seen the subject in the same light in which he viewed it; and, however much he might regret the feeling which subsisted among the Catholic clergy, he trusted that, with the zealous co-operation of the laity, their objects would be completely carried into effect.—He had now stated the principles on which they had acted, the views which they entertained, and the system which had arisen out of those principles and views. His hon. friend below him had gone into some of the details of the system, on which therefore he felt it unnecessary to enlarge. With respect to the commission which was now going into Ireland; no one could wish for its success more cordially than himself, but he should lament if it interfered for the present with the progress of the association. To divert the Irish people from any useful object in the pursuit of which they were ardently engaged, was generally a most unfortunate experiment. The character of the people of Ireland rendered such interposition peculiarly inexpedient. He trusted that no measures would be taken to destroy the existing system, before another was substituted in its place. He could not help thinking that the right hon. baronet opposite (sir J. Newport), anxious as he was for the prosperity and the honour of his country, ought to feel something like content and satisfaction at what had already taken place. A system under which had arisen six hundred masters and seventy-nine thousand scholars in different parts of Ireland, and that not after a long lapse of years, not in the course of a century or half century, but, to use an expression of lord Bacon "in an hour-glass of one man's life, in a few yesterdays," was a subject of no ordinary congratulation. If the commission which was about to proceed to Ireland did more, he should be most happy; if it did as much, he should be content. In making these observations he trusted he should not be considered as having trespassed too much on the time of the committee. He should now leave the whole subject to the committee satisfied that this grant would be most useful in its application, and trusting that the commission, if it did not fully and cordially co-operate with the association, would substitute some plan which might be equally beneficial, or which might confer more extensive benefit on the population of Ireland.

Sir *J. Newport*, in explanation, stated, that he never intended to cast any imputation upon so respectable a body as the Kildare-street society, who had certainly done much in the cause of the education of the Irish poor.

The resolution was agreed to.

ADDENDUM.

WELSH JUDICATURE BILL.] *The following is a more correct report of Mr. Allen's Speech, on the 11th of March, on the Welsh Judicature Bill, than the one given at p. 926.*

Mr. *Allen* said:—I rise, Sir, to object to the present bill, partly because I consider all its provisions trivial, useless, or pernicious; but principally because its main object appears to be, not so much to improve the judicature, as to extinguish a question of far greater importance, the expediency of maintaining or abolishing the Welsh judicature.

This subject has been repeatedly discussed in this House and in committees above stairs. The Welsh judicature has been condemned by Mr. Burke, by Lord Colchester. It was recommended to be abolished by a committee of this House in 1818, and lastly by a report of a committee laid on your table in 1821, which, after condemning the Welsh judicature in every line, concludes with stating, "that though some of its minor defects might be remedied by legislative enactments, yet that others, the removal of which are essential to the due administration of justice, could not without such changes as would virtually amount to an abolition of the judicature."

I shall take the liberty of referring to this report as a test to try the merits of this bill. I shall examine, in the first instance, whether the defects pointed out by the report are serious impediments to the due administration of justice; and, secondly, whether they are at all remedied by the present bill. The principal defects noticed in the report, relate to the situation of the judges, whose opinions as advocates may be taken in those very cases in which they will afterwards decide as judges. Moreover, in the intervals between the circuits, they must either act as counsel, which may give rise to improper connexions between them and the attorneys who practise in their courts; or they must pass the far greater part of the year unexercised in any legal employment; in which case I perfectly agree in the opinion with a king's counsel examined by the committee, "they would, in a very short time, become totally unfit for the exercise of their important duties." Another great inconvenience arises from the judges never changing their circuits; so that in cases of new trials moved for in consequence of misdirection of judges, the cause must be heard again by the same judges. None of these defects are attempted to be remedied, or even noticed, by the bill now under consideration.

These three are the whole proceedings of the Welsh courts of equity: but, of the present eight Welsh judges one only has had any considerable experience in the high court of chancery. The counsel who attend are generally a few of the junior and unexperienced chancery lawyers —(for the profits of the chancery business in the principality are not sufficient to make it worth while for any man in considerable business to attend)—and the solicitors have no means of learning their profession by the scanty equity practice of the circuit. Yet, in a court so constituted, a gentleman who lives in the principality may be obliged to defend the most important interests of character or fortune. The bill takes no notice of these great and glaring defects.

The report of 1821 notices also the inconvenience arising from the manner in which causes are hurried on to trial, in what are called the new issues: that is, when issue is joined after the judges enter the circuit-town, and when the attornies have only four-and-twenty hours to draw their pleadings, summon witnesses and prepare briefs, and respecting which they complain, that they have not time to do justice to their clients. This has been sometimes absurdly praised, as part of the commendable expedition of the Welsh circuits. But, there was no subject on which the Welsh attorneys were more unanimous, than in condemning a practice, which obliged them to compromise causes after all expenses incurred, because they had not sufficient time to prepare them properly for trial.

The honourable member also pointed out, at some length, the tendency of the judicature to increase the number of the attorneys, and multiply petty litigation. If (continued the honourable member) to none of these defects which I have enumerated, and which have been pointed out by the report of the committee of 1821, the present bill affords any remedy, what are, it may be asked, its provisions? It calls upon the court of Exchequer to summon its witnesses and to punish contempt of its authority. As far as these provisions are calculated to give activity to the equity proceedings of courts so constituted as the Welsh courts of chancery, their operation will be pernicious. Those courts are only tolerable, because they are inefficient and inactive, and by connecting them with the court of Exchequer, you will only add to their prolixity and expense. The bill also provides, that the judges should make rules and orders in the intervals between the circuits, but provides no place for their meeting. The only clause in the bill which has given it any popularity, is that provision which ordains, that the sums paid for fines and recoveries should be the same in Wales as in England; and yet, so confused is that enactment, that I cannot understand the grammatical construction of the words, whilst an act for the same purpose, the 31st Henry 8th, clearly and intelligibly provides, "that the king's silver and other fees shall be paid, as is used in the Common Pleas of Westminster." I have no doubt, therefore, if the inhabitants of the principality are compelled to defend their property from the rapacity of the king's revenue officers, they will rely upon the intelligible words of the bill of Henry 8th, and not on the "proportions and similitudes" of the bill now under consideration.

It may be, Sir, necessary here also to notice, that this bill admits the inferiority of the Welsh judicature, as compared with the English, by leaving open the courts of the English circuit for the trial of all important causes. Are, then, the Welsh to be perpetually condemned to suffer from a less perfect administration of justice than that which prevails in England? Is a judicature stigmatized as this is, by the report of the committee of 1821, to continue without any attempt to improve its constitution? When it has so recently been proclaimed, on the part of his majesty's government, that beneficial changes are to take place to lessen the expense and prolixity of proceedings in the courts of Westminster hall, are the inhabitants of the Principality alone, to be refused any participation in those desireable arrangements?

I know, Sir, that it may be required of me, within these walls, as it has often been without, to present to the House some intelligible and practicable plan of reform. If we cannot have a full participation in all the benefits of the British constitution, we may approach very near it, by an alleviation of our present system, to which I cannot foresee any solid objection. The outline of the plan I would propose is, to let the records proceed from Westminster hall, to be tried on the Welch, as they are now on the English circuits: to reduce our circuits to two, one for north, and one for south Wales: to let our judges sit under the same commissions as the English judges do, and reduce their number to four; and to divide among the four judges, the salaries now distributed to the eight. This would allow about 2,400*l.* per annum to each of the judges; and such a salary would command some of the best abilities in Westminster hall, particularly if the Welsh judgeships were, as in that case they necessarily would be, the first step to the English bench. We should, in that case, immediately get rid of our vagrant courts of chancery; our judges would change their circuits; and, in cases of new trials, there would be different judges to re-hear the causes. The whole system would be under the superintendance of Westminster hall, in which, applications for new trials would be heard and determined; and the Welsh would be exactly on the same footing as the English, with respect to the administration of their laws, except the rank of their judges. The attornies must, in that case, be admitted in the courts of Westminster, and the increased expense would gradually diminish their number, and lessen petty litigation.

If gentlemen will look to the report of 1821, they will see, that this plan remedies all the defects of the Welsh judicature pointed out by the committee; whereas, the present bill notices none of the most material ones, and attempts only some trivial and unimportant alterations. I therefore, Sir, move "that it be read a second time this day six months."

INDEX

TO VOL. X.

NEW SERIES.

INDEX TO DEBATES IN THE HOUSE OF LORDS.

Abolition of Slavery, 703, 1046, 1215
Address on the King's speech on opening the Sessions, 1
Amelioration of the condition of the slaves in the West Indies, 1046
Appeals; Hearing of, 640, 830
Austrian Loan Bill, 871

Bounties on Irish Linens, 706

Clerk of Parliament, 829

Flogging in the Army, 1216

Game Laws, 224, 266, 444

Ireland, Survey of, 935
Ireland; Trade of, 106
Irish Linens; Bounties on, 706
Irish Tithes, 1385

King's Speech on opening the Session, 1

Linens; Bounties on Irish, 706

Monolopy of Tea, 1385
Mutiny Bill, 1216

Parliament; Clerk of, 829
Silk Trade, 1446
Sinecure Places, 151
Slavery; Abolition of, 703, 1046, 1215
South America; Independence of, 105, 705, 770, 970
Survey of Ireland, 935

Tea Monopoly, 1385
Tread Mill, 152

INDEX TO DEBATES IN THE HOUSE OF COMMONS.

Abercomby, Mr.; his Complaint against the Lord Chancellor, 571
Abolition of Slavery, 1011, 1331
Address on the King's Speech on opening the Session, 45, 86
Alien Bill, 1332
Amelioration of the condition of the slave population, 1064
Army estimates, 271, 366
Artizans, 141
Assessed Taxes, 1095
Austrian Loan, 101, 437, 497

Bank of England Balances, 226
Bank of England Notes, 123
Bankrupt Laws, 213
Barracks, 861
Bear Baiting, 131, 368, 486
Beer and Malt duties, 1013
Brandies; Duties on foreign, 945
British Museum, 635, 1466
Burials; Roman Catholic, 103, 1453

Caledonian Canal, 630
Canada, 955
Catholic Disabilities, 252
Catholic Charities, 847
Cattle Ill-treatment bill, 130, 865
Chancery; Delays in the Court of, 572, 450
Chetwynd, Mr.; Conduct of, 504
Coal Duties, 270, 301, 1448
Coinage, 445
Combination Laws, 141
Commitments by Magistrates, 646
Consuls Abroad, 101
Consolidation of the Criminal Law, 1062
County Courts regulation bill, 210, 303, 728, 1437
Criminal Law; Consolidation of the, 1062
Crown; Demise of the, 722

Decimal scale; Adaptation of the Coinage to, 445
Dominica, 953
Dry-rot in Ships, 166
Distilleries, 1009
Duties; Reciprocity of, 154

Edinburgh; State of the representation of, 455
Education in Ireland, 1399
Exchequer; Deputy remembrancer of, 165

INDEX.

Excise Duties, 451
Excise Licences, 651

Finances of the country; State of, 304
Fisheries of Scotland, 645
Flint, Charles; Case of, 504
Flogging in the army, 927, 1031
Foreign Policy, 102
French pecuniary indemnity, 721

Game laws amendment bill, 187, 902, 1329, 1415
Gaol laws amendment bill, 241, 755
Gold Coast; Settlements on the, 962
Gospel; Propagation of the, in the Colonies, 964
Guards; Stock-purse of the, 1209

Impressment of Seamen, 1220
Imprisonment under the Vagrant act, 106
Ireland; Education in, 1399
Ireland; Protestant Church in, 729
Ireland; Church rates in, 496
Ireland; Conduct of Police Officers, 137
Ireland; Growing crops in, 155
Ireland; Linen trade of, 452, 943, 1216
Ireland; Burials in, 103, 1453
Ireland; State of, 119
Ireland; Education of Catholic poor in, 837, 1476
Ireland; Survey and valuation of, 870
Irish Miscellaneous estimates, 1293
Irish Bankers, 944
Irish Clergy Residence Bill, 183
Irish Mining company, 645
Irish Protestant Charter schools, 1043

Juries laws consolidation bill, 247
Jurors qualification bill, 124

King's speech on opening the Session, 45, 86

Labourers wages, 1413
Legacy duties, 134
Linen trade of Ireland, 452, 943, 1309
Lord Chancellor; Mr. Abercromby's complaint against, 571

Machinery, 141
Magistrates; Commitments by, 646
Magistrates; Recovery of penalties before, 212
Malt duties, 1013
Man, Isle of; Criminal Judicature of, 215
M'Can, Mr.; Case of, 137
Milton's manuscript, 1465
Mutiny bill, 766, 927, 1031
Navy estimates, 167, 296
Newfoundland Fisheries bill, 1331
Neutrality between France and Spain, 190
Newspapers sent to the colonies, 501

Olive Guelph, styling herself Princess of Cumberland, 452
Ordnance estimates, 525
Ordnance; Clerk of the, 861

Perrott, H. D.; his petition, 1198
Penitentiary at Milbank, 636
Poyais emigration, 727
Postage rates, 501
Prisons, 1283
Public buildings in Westminster, 623, 632 1283, 1381

Qualification of Jurors bill, 124

Reciprocity of duties, 154
Recovery of penalties before magistrates, 212
Reform of parliament, 1206
Renewal of offices on the demise of the crown, 722
Revenue inquiry, 449
Ribbon men and lodges in Ireland, 885
Roman Catholic burials, 103

Scotch distilleries, 445
Scotch fisheries, 645
Shipping interest, 154
Ships; Dry rot in, 166
Sierra Leone, 962
Silk trade, 371, 719, 731, 780, 800, 849, 869, 1221, 1285, 1290, 1312
Sinking Fund, 936
Slavery; Abolition of, 1011, 1064
Slave trade piracy bill, 1424
Small debts, 210, 303, 728
South America, 157, 708, 752 1393
Spain, 102, 190, 1232
Spirits intercourse, 445
Stock-purse of the Guards, 1209
Sugar duties, 782

Taxes; Remission of, 936
Tithe composition bill, 729, 851
Tobacco duties, 369
Tread Mill before trial, 138, 241, 755
Turnpike-roads bill, 1397

Vagrant act, 86, 106

Usury laws repeal bill, 157, 551

Welsh Judicature bill, 926, 1483
Weights and measures, 450
West-Indies; Slave population of, 1064, 1423, 1442 1447
Window tax, 652
Wine duties, 226, 1310
Wool tax, 267, 370, 650, 751.

INDEX.

INDEX OF NAMES—HOUSE OF LORDS.

Aberdeen, Earl of, 883

Bathurst, Earl, 705, 1046, 1061

Calthorp, Lord, 830, 1006
Clifden, Lord, 884, 1385, 1392

Darnley, Earl of, 45, 444, 641, 836
Downshire, Marquis of, 935

Eldon, Earl of, *see* Lord Chancellor
Ellenborough, Lord, 885, 1003

Grosvenor, Earl, 151, 224, 444, 703, 779, 829, 1215, 1216, 1392

Harrowby, Earl of, 836, 1391
Holland, Lord, 30, 779, 834, 871, 1061

King, Lord, 640, 645, 880, 1390
Kingston, Earl of, 1386, 1388, 1391

Lansdown, Marquis of, 15, 105, 106, 152, 705, 706, 776, 778, 970, 1008, 1388, 1446
Limerick, Earl of, 1392
Limerick, Bishop of, 1387, 1390
Liverpool, Earl of, 22, 151, 152, 153, 643, 705, 706, 707, 777, 779, 829, 832, 877, 992, 1215
Lord Chancellor Eldon, 1446
Lorton, Viscount, 11

Roseberry, Earl of, 1007

Somers, Earl, 5
Spencer, Earl, 1215
Suffield, Lord, 266

INDEX OF NAMES—HOUSE OF COMMONS.

Abercromby, hon. James 104, 215, 219, 418, 455, 481, 571, 621, 840, 889, 1434, 1436,
Acland, Sir Thomas, 270, 968, 1422
Allen, J. H, 926, 1483
Althorp, Viscount, 119, 156, 210, 255, 647, 688, 729, 885, 893, 969, 1029, 1044, 1374, 1430, 1437, 1438, 1441.
Ashurst, W. H, 648
Attorney General (Sir John Copley) 221, 223, 512' 597, 649, 728, 866, 1425, 1435, 1436, 1441

Bankes, Henry, 623, 632, 1283, 1284, 1381, 1433, 1473, 1474
Bankes, George, 868, 1383, 1473
Baring, Alexander, 164, 166, 236, 302, 337, 342, 368, 440, 499, 503, 569, 690, 749, 762, 784, 814, 849, 1157, 1221, 1229, 1285, 1287, 1291, 1321, 1322
Baring, Sir Thomas, 628, 636, 731,
Benett, John, 794, 919, 1011
Bennet, Hon. H. G. 364, 624, 630, 633, 650, 755, 898, 952, 954, 958, 964, 966, 1012, 1042, 1466, 1475
Bernal, Ralph, 176, 286, 452, 634, 729, 1214, 1418, 1420
Binning, Lord, 445, 470, 1420
Blair, James, 1183
Bourne, Right Hon. Sturges, 204, 519
Bridges, Alderman, 744, 868
Bright, Henry, 94, 298, 369, 453, 522, 629, 794, 959, 1288, 1448
Brougham, Henry, 53, 354, 423, 587, 726
Browne, Dominick, 842, 871
Brownlow, C., 943, 1411
Burdett, Sir Francis, 123, 139
Butterworth, Joseph, 823, 966, 969
Buxton, Thomas Fowell, 782, 867, 1112, 1312, 1325

Calcraft, John, 104, 161, 296, 299, 350, 562, 792, 861, 1310, 1312, 1318, 1320, 1443, 1445
Calvert, N. 1397
Canning, Right Hon. George, 70, 90, 101, 102, 181, 203, 263, 429, 441, 442, 500, 584, 708, 724, 1091, 1194, 1265, 1380, 1394, 1424
Cavendish, Lord George, 780, 1228
Chancellor of the Exchequer (Right hon. Fred. Robinson), 85, 136, 161, 166, 230, 258, 304, 341, 345, 353, 438, 441, 449, 498, 502, 503. 624, 628, 631, 633, 634, 635, 639, 675, 722, 726, 734, 743, 753, 944, 949, 954, 1020, 1226, 1284, 1288, 1309, 1311, 1317, 1321, 1324, 1382, 1396, 1442, 1443, 1445, 1449, 1452
Chetwynd, George, 511
Clark, Sir George, 167, 169, 175, 297, 298, 299, 300, 450, 538, 1204
Cockburn, sir George, 177, 180, 299, 301, 1202
Coffin, Sir Isaac, 346, 538, 539, 798, 1204
Colborne, N. R., 635, 919
Cole, Sir C., 246, 927
Cooper, Bransby, 158
Copley, Sir John, *see* Attorney General
Courtenay, William, 213, 270, 764, 868
Cripps, Joseph, 1027, 1397, 1399, 1419, 1444
Croker, John Wilson, 121, 122, 626, 636, 1204, 1473

INDEX.

Curteis, E., 744
Curwen, John Christian, 215

Daly, James, 47
Davenport, D., 157, 737, 751, 823
Davies, Colonel, 170, 295, 545, 638, 639, 721 945, 952, 1040, 1422
Davis, Hart, 369
Dawkins, Henry, 929, 1043
Dawson, George, 111, 185, 731, 839, 870
De Crespigny, Sir William, 283
Denman, Thomas, 504, 517, 524, 648, 726
Denison, W. J., 650, 1026
Douglas, Keith, 1156

Eastnor, Lord, 1438
Ellice, Edward, 234, 342, 346, 371, 719, 737, 792, 823, 826, 849, 869, 1010, 1222, 1287, 1328
Ellis, Charles, 1134
Ellis, Agar, 260, 1205, 1309
Evans, William, 749, 1420

Fergusson, Sir Ronald, 1037, 1218
Fitzgerald, Vesey, 121, 841, 1218
Foster, J. L., 1477

Gascoyne, Isaac, 283
Gilbert, Davies, 212, 365, 449, 450, 542
Gipps, George, 688
Gooch, Thomas, 1264
Gordon, R., 282, 637, 789, 962, 1324
Goulburn, Henry, 103, 121, 122, 137, 156, 183, 186, 254, 496, 541, 546, 730, 838, 851, 868, 871, 887, 963, 967, 1044, 1298, 1301, 1302, 1406, 1418
Grant, A., 799
Grant, C., 843, 1044, 1307
Grattan, James, 104, 137, 157, 252, 266, 837, 858
Grenfell, Pascoe, 124, 161, 226, 302
Gurney, Hudson, 239

Haldimand, William, 745, 747, 827, 1285, 1327
Hamilton, Lord Archibald, 1319
Hardinge, Sir H., 525, 533, 536, 537, 539, 542, 544, 545, 548, 550, 551, 769, 864, 930, 932, 1040, 1214
Heron, Sir Robert, 489, 551, 568, 649, 722, 727
Herries, J. C., 439, 543
Heygate, Alderman, 556, 781, 828, 1421
Hill, Rowland, 45
Hill, Sir George, 1307
Hobhouse, John Cam, 86, 244, 256, 287, 295, 303, 546, 652, 655, 702, 862, 934, 936, 942, 1206, 1313, 1343, 1439
Holford, George, 637
Horton, Wilmot, 728, 953, 956, 959, 962, 963, 965, 1331
Hume, Joseph, 85, 98, 101, 106, 117, 121, 122, 134, 141, 158, 166, 170, 179, 184, 226, 231, 249, 259, 274, 295, 296, 297, 300, 360, 366, 437, 439, 440, 441, 443, 451, 452, 497, 498, 501, 502, 520, 529, 534, 536, 537, 538, 540, 543, 544, 549, 625, 628, 638, 645, 646, 647, 650, 698, 725, 727, 741, 766, 770, 782, 798, 827, 849, 859, 865, 930, 938, 950, 953, 955, 959, 962, 963, 964, 966. 1009, 1024, 1031, 1039, 1043, 1198, 1204, 1209, 1220, 1228, 1286, 1291, 1295, 1296, 1299, 1301, 1302, 1305, 1331, 1376, 1384, 1451, 1473, 1476
Huskisson, Right Hon. William, 147, 154, 155, 161, 566, 736, 780, 782, 786, 793, 794, 800, 828, 849, 868, 870, 1229
Hutchinson, Hon. C. H., 265, 899, 1219, 1371, 1479

James, William, 101, 102, 140, 629
Jones, John, 927

Kennedy, Thomas, 445, 479, 953
Knatchbull, Sir E., 242, 252, 647

Lamb, George 250
Lamb, William, 1365
Leake, William, 450
Lethbridge, Sir Thomas, 99, 243, 747, 1288, 1397
Lewis, Frankland, 796, 1398
Leycester, Ralph, 126
Littleton, E. J. 86, 112, 302, 518, 741, 826, 1260, 1328, 1432, 1450
Lockhart, J., 128, 134, 423, 909
Long, Right Hon. Charles, 450, 630, 636, 1468, 1475
Lord Advocate of Scotland (Sir W. Rae)
Lushington, Dr., 251, 721, 867, 960, 1169

Maberly, John, 343, 454, 500, 550, 551, 647, 780, 1013, 1029, 1219, 1452
Maberly, W. L., 127, 165, 179, 239, 555, 741, 943, 1028, 1395
Mackintosh, Sir James, 157, 222, 611, 627, 752, 1222, 1230, 1278, 1358, 1384, 1393, 1424
Manning, William, 123, 233, 797, 1178
Martin, John, 165, 503, 1423
Martin, Richard, 130, 131, 133, 486, 495, 867, 893, 933
Martin, Sir B., 297, 298
Milton, Lord, 370, 629, 696, 920, 1416 1419, 1423, 1436, 1448, 1451
Monck, J. B., 240, 651, 774, 968, 1028, 1418
Moore, Peter, 720
Mundy, George, 744
Newport, Sir John, 103, 156, 184, 249, 261, 478, 496, 541, 542, 546, 645, 729, 731, 740, 839, 871, 940, 945, 1044, 1297, 1399, 1452, 1478
Nolan, Michael, 450
North, J., 1479
Nugent, Lord, 102, 190, 207

Onslow, Mr. Serjeant, 163, 215, 551

Palmer, Fyshe, 651
Palmer, Col. Charles, 93
Palmerston, Viscount, 271, 293, 368, 774, 933, 1038, 1041, 1212
Parnell, Sir Henry, 232, 449, 451, 645, 847, 850, 944, 1218, 1305
Pearse, Henry, 236
Peel, Right Hon. Robert, 84, 104, 112, 118, 129, 131, 139, 140, 218, 241, 246, 247, 260, 405, 491, 516, 518, 605, 637, 650, 727, 739, 759, 823, 842,

860, 899, 905, 912, 1012, 1165, 1205, 1283, 1300, 1308, 1332, 1374, 1399, 1409, 1414, 1437, 1466
Peel William, 490
Pelham, C., 1371
Philips, George, 740, 1286, 1326
Plunkett, Right Hon. W. C., 840, 890, 1453
Portman, E. B., 746, 1440

Rice, Spring, 870, 1045, 1216, 1296
Ridley, Sir Matthew White, 302, 629, 630, 637, 922, 968, 969, 1044, 1398, 1450, 1453
Robertson, Alexander, 154, 267, 364, 551, 720, 797, 938
Robinson, Right Hon. Frederick, *see* Chancellor of the Exchequer
Rose, Sir G. H., 1184, 1432
Ross, C., 907
Russell, Lord John, 469, 1232, 1282, 1368, 1413

Scarlett, James, 452, 593, 619
Sebright, Sir John, 569, 1416
Shelley, Sir John, 190, 903, 1415
Smith, John, 160, 211, 214, 347, 490, 631, 686, 743, 772, 840, 931, 939, 1011, 1300, 1408
Smith, William, 100, 270, 632, 694, 751, 775, 867, 1188, 1444, 1474
Smith, R., 1433, 1438, 1475
Solicitor General (Mr. Wetherell), 515, 590, 1433
Speaker, The (Right Hon. Charles Manners Sutton,)
Stuart Wortley, J. A., 140, 187, 190, 370, 464, 650, 902, 923, 1417, 1418, 1419, 1421, 1423, 1443, 1451
Sumner, Holme, 510, 646, 649, 763, 797
Sutton, Right Hon. Charles Manners, *see* Speaker
Sykes, Daniel, 701, 928, 1220, 1435

Taylor, Michael Angelo, 1431
Taylor, Watson, 1012, 1175
Tennyson, Charles, 625
Thompson, Alderman W., 269, 650, 1289, 1318
Tierney, Right Hon. George, 599, 726, 1223
Trench, F. W., 186, 453, 542, 871, 1217, 1441

Vivian, Sir H., 1033

Wallace, Thomas, 448, 820, 1318
Warre, J. A., 169, 442, 867, 1310, 1373
Western, C. C., 93, 124, 128, 764, 1443
Wetherell, Charles, 515, *see* Solicitor General
Whitmore, T., 688, 798, 826, 1228,
Wilberforce, William, 1144
Williams, John, 372, 434
Williams, William, 619, 633, 634, 1298, 1319, 1320, 1465
Wilson, Sir Robert, 521, 770, 1193, 1247, 1278
Wilson, Thomas, 226, 267, 569, 741, 828, 969, 1193
Wodehouse, E., 249, 285, 1025, 1026
Wood, Alderman Matthew, 245, 269, 301, 765, 851, 1293, 1318, 1452
Wood, Colonel, 243, 771
Wrottesley, Sir John, 159, 269, 298, 345, 446, 520, 742, 1419, 1421, 1422
Wynn, C. W. W., 521, 560, 616, 746, 747, 927, 1327, 1356

Yorke, Sir Joseph, 1397

END OF VOL. X.

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